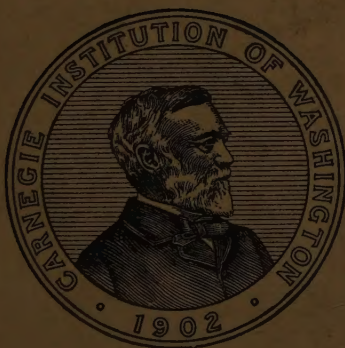


Proceedings and Debates
of the British Parliaments respecting
North America

EDITED BY
LEO FRANCIS STOCK

VOLUME I

1542-1688



WASHINGTON, D. C.

PUBLISHED BY THE CARNEGIE INSTITUTION OF WASHINGTON

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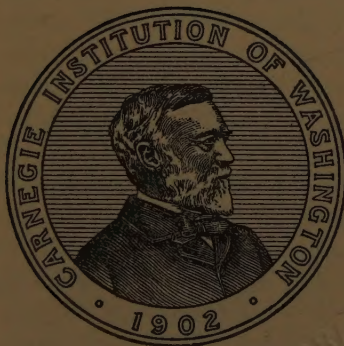


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PAPERS OF THE DEPARTMENT OF HISTORICAL RESEARCH
J. FRANKLIN JAMESON, EDITOR

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INTRODUCTORY NOTE.

Many thousands of pages have been occupied with the questions relating to the rights and powers of the British parliaments in respect to the American colonies, but very few with records of what parliaments actually did. The present generation, however, probably feels more interest in laws passed and actions taken than in ancient controversies respecting constitutional theory. Its historical scholars may well ask for completer means of tracing and estimating the gradual development of British parliamentary policy regarding the colonies in America.

The present means for such purposes are indeed very imperfect. It is safe to say that nine-tenths of the actions of Parliament respecting America are unknown to most American historical scholars and writers. The one place where the votes passed can be found is the *Journals*, English, Scottish, and Irish, of Lords and Commons, and very few American libraries possess them all. It is indeed doubtful whether there are thirty libraries in the United States that contain even the *Journals* of the English House of Commons. Nor is it easy to trace, through the enormous mass of heterogeneous material which those many great folios contain, the slender stream, or scattered bits, of material relating to America. The result has been the frequent neglect of a primary source for the colonial period of our history.

As for debates, to which we may look for explanations of the actions taken, the case is even worse. The speeches made in the parliaments of the seventeenth and eighteenth centuries were not serially recorded in any official publication. If extant at all, in any version, they are to be found here and there, in books of the most various character—histories, biographies, or literary compilations, in political pamphlets, in magazines and newspapers, in manuscripts in public and private possession; and no American library contains even all of the books. If an historian has set himself to find all that is extant of what was said in even a single debate or on a single occasion, it has been only by great good luck or by extraordinary diligence and ingenuity that he has found it.

It was therefore not unnatural that, in an establishment whose purpose is to meet the needs of historians by bringing important materials to their hands, a plan should early be formed for drawing off into a separate collection, on the one hand from the various *Journals* and on the other hand from the various sources where debates are recorded, all discoverable proceedings and debates of the British parliaments respecting North America, from the earliest recorded action to the date of the acknowledgment by Great Britain of the independence of the United States of America.

The work has been long in preparation, but this has been largely due to the fact that practically the whole text of the series was completed before the work of annotation was begun. The subsequent volumes will appear more rapidly than this with which the series begins.

It will be observed that the compilation is not confined to the thirteen colonies which formed the United States, but embraces all British America, including Canada, Bermuda, the Bahamas, and the West Indies. It was a point of capital importance, that its scope should not be limited to the colonies that later achieved independence; so to limit it, would be to import into past times a distinction which then had no existence, and which therefore has no place in the picture of actual British control and administration. The proper theme of study is the relation of Parliament to the British Empire as a whole. Without such comprehensiveness of view the relation of Parliament to the thirteen colonies, or any one of them, can not be rightly understood.

J. FRANKLIN JAMESON.

PREFACE.

The purpose of this work, the first volume of which is here presented, is to bring together all references to North America to be found in the proceedings and debates of the parliaments of England, Scotland, and Ireland, down to the date of the treaty which established the independence of the colonies, in 1783. The "proceedings" are, naturally, taken from the officially published *Journals*; the "debates" have been sought in any of the various sources, almost altogether unofficial, in which they can be found.

The work is not absolutely confined to North America, though it is convenient to use that term in its title, rather than the too inclusive word America. The scope of the work should be defined at the outset. It is planned to include not only matter relating to the original thirteen colonies, but in general all items relating, distinctly or by implication from the context, to North America, from the Isthmus of Panama to Greenland inclusive (but not to Iceland); to the north shore of South America during times of warfare, and to Guiana and the region of the Amazon during the time of colonizing effort there; to the West Indies, and to the Philippines. Within the compass of the work will also come whatever is found relating to the navigation acts, to the Royal African Company (when not concerned with mere administration or organization), and to the Asientos, and all that concerns enactments, repeals, or alterations of duties, drawbacks, etc., concerning the principal articles of colonial production and industry, as tobacco, sugar, rice, coffee, furs, indigo, whale products, etc. Much will be found relating to acts whose titles and general context seem not to bring them within the above classes, but which contain saving clauses or carry penalties respecting America. Similarly, mention of things American, as above defined, made in debate on irrelevant matters has not been excluded from this text.

This first volume will be found to contain a considerable amount of material heretofore unpublished; the subsequent volumes will contain a larger proportion. Even if it were small, however, it is hoped that historical scholars and students would find a great advantage in having in one collection these parliamentary records of colonial affairs, records that were widely scattered, lost among a mass of other items not pertinent, or printed only in scarce books and pamphlets. In this first volume, however, there are, for example, several petitions which receive little or no mention in the printed *Journals*, and whose full contents are here presented for the first time. There are also many briefer reports of proceedings which,

though they add little or nothing to the printed accounts already known, confirm the latter and strengthen their value. Sometimes references in the *Journals* and elsewhere are incomplete and indefinite. An attempt has been made to expand and explain these by annotation, so as to increase their value and usefulness.

In a work of such scope, covering parliamentary action and deliberation throughout a period of over two hundred years, and involving a mass of original materials of every description, it has not been possible to present an exhaustive study of the historical value and authenticity of every scrap of evidence used. It is believed that those who will find these volumes of use will be content with such critical notes as are given in connection with the texts printed. The editor's aim has been to include all matter appropriate to his purpose, wherever found, leaving the student to form his own estimate of the value of the materials from such accompanying statements of their origin and history as it seemed necessary or, under existing conditions, possible to make.¹

In gathering material for this series a studious effort was made to search wherever there seemed a likelihood of finding parliamentary reports. Among the printed sources not only were the well-known parliamentary compilations examined, but state papers, historical collections, separates, pamphlets, and news-letters of the time, as well as biographies, diaries, and documents of later publication. Unpublished material in private hands was sought by advertisement, and in several cases examined; and the manuscript collections of the more important libraries and depositories, at home and abroad, were searched in all instances where their nature or description seemed to promise some return. In this volume, the Manuscripts of the House of Lords, the State Papers in the Public Record Office, the Harleian and Additional Manuscripts in the British Museum, in a greater degree, and other collections to a lesser extent, are represented. Some of these are more particularly described below, at their proper places in the text. Of the printed material used, the *Journals* of both Houses have furnished the major part. The *Journals* of the House of Lords begin with 1509; those of the Commons, with 1547. Notwithstanding the incompleteness of the early volumes, and the unsolved problems surrounding their origin, and in spite of the variations of the Commons *Journals* for the sessions of 1604-1607 and for one session of 1624, there are no other

¹ It may be useful to state that a more critical examination of parliamentary materials, by Professor Wallace Notestein and Miss Frances H. Relf, is now in progress. Their results for one session of Parliament have already been published, *Commons Debates for 1629* (University of Minnesota, 1921). Professor Notestein has also published the parliamentary *Journal of Sir Simonds D'Ewes*, for the first months of the Long Parliament, 1640-1641 (Yale University Press, 1923). It is their intention to publish similarly elaborate volumes for all the Parliaments from 1603 to 1642. If their subsequent volumes disclose American materials which have eluded the searches made, in Great Britain and America, for the present compilation, such additional items will be set forth in some later volume of our series.

reports that fill their place in the scheme of this work.² The *Statutes of the Realm* (1810-1828), and other collections of the statutes, should be mentioned. These pointed the way to many passages in the *Journals* respecting acts containing American and colonial clauses which otherwise might have remained unsuspected. Of the other sources drawn upon for this volume, the parliamentary collections covering the period are practically all cited.

The first of those used in this volume was Sir Simonds D'Ewes, *Journals of all the Parliaments during the Reign of Queen Elizabeth*, published in 1682. Although D'Ewes is sometimes given the credit of being the first parliamentary reporter, this is not a first-hand account, for its compiler was not born until 1602. His papers in the Harleian Manuscripts of the British Museum and the preface to his collections show that he used the earlier compilation of Heywood Townshend and Camden's *Annals*, and that he also drew upon the manuscript *Journals* of both Houses, as well as journals and diaries compiled or kept by some members of Parliament.³ While there were some attempts made to publish other collections for the period before the Restoration,⁴ nothing of this character seems to have been offered until 1740, when John Torbuck was brought before the House of Lords and punished for his *Compleat Collection of Debates in Parliament* (in nine octavo volumes), which he declared to be a reprint of a work purchased of John Smith, a Dublin bookseller.⁵

In 1742 Richard Chandler began to publish the *History and Proceedings of the House of Commons from the Restoration to the Present Time*, which was completed in 1744 in fourteen volumes. As a companion work to this, Ebenezer Timberland brought out in eight volumes, 1742-1743, the *History and Proceedings of the House of Lords from the Restoration in 1660 to the Present Time*. The former makes no mention of the origin of the contents, beyond the general statement of the title-page that they were "collected from the best authorities" and "compared with the Journals of the House"; the latter, likewise, gives no indication, in preface or foot-note, of the source of the material used. In answer to the charge, made by the booksellers, that these two collections were but copies of Torbuck, Timberland, in his preface to the final volume, states that his volumes contain not only everything in the former work, but in addition more than 1600 particulars not included in that publication; and that,

² See Notestein and Relf, *Commons Debates for 1629* (Minneapolis, 1921), pp. xi-xiv; Notestein in *Report of Am. Hist. Assoc.*, 1916, pp. 395 *et seq.*; J. E. Neale, on the Commons Journals of the Tudor Period, in *Transactions of the Royal Hist. Soc.*, fourth ser., III. 136-170. On the authenticity of the Lords' Journals, see A. F. Pollard, *id.*, third ser., VIII. 17-38. The proceedings of Apr. 14, 15, 25-29, May 2, 3, 5, 6, 1559, missing in the Lords' Journals, are supplied from the Petyt MSS., by Miss E. Jeffries Davis, in *English Hist. Rev.*, XXVIII. 531-542.

³ See note, 4, *post*, p. 3.

⁴ See, for example, the petition of John Stanesby, *Hist. MSS. Comm., Fourth Rept.*, App., p. 54.

⁵ *Journals of the House of Lords*, XXV. 610, 615.

for the period of 1660-1714 alone, over 1200 more items appear in Chandler than in Torbuck. He strengthens this claim by printing several pages of omissions in Torbuck of matter to be found in the first two volumes alone of Timberland. Cobbett, in comparing Chandler and Timberland with other materials used by him, found them "so extremely defective and incorrect that they could in hardly any case be relied upon with safety". But his criticism was directed principally against omissions in the speeches of the king and Lord Chancellor, variations in motions and resolutions as given in the Journals, and the lack of explanatory notes and sources. Again he dismisses Chandler's history as a careless abridgment of Boyer's *Political State of Great Britain*, but later, while charging that speeches and entire debates are sometimes omitted, he disavows any intention of discrediting the general accuracy of the debates contained in the collection.⁶ It was what was missing rather than the value of what was included that is brought into question by Cobbett, who embodied much of Chandler in his own work. The general accuracy of Chandler is also credited by Archdeacon William Coxe, who says that on comparing the minutes and notes of Walpole's speeches with the accounts given by Chandler, he found the leading expressions preserved, and that the same was true as to the reports of proceedings contained in Walpole's letters. Other reasons for Coxe's defense of this collection are the statements of Walpole and Lord Bath that their speeches were in general faithfully represented.⁷

The next compilation was the *Parliamentary or Constitutional History of England from the Earliest Times to the Restoration of Charles II.*, published 1751-1761. This is the so-called "Old Parliamentary History". The compilers apparently were Francis Drake, surgeon and antiquary, and Caesar Ward, bookseller and printer.⁸ Among the sources listed in the preface and foot-notes, there is mention of the *Journals*, the Cottonian and Harleian manuscripts, scarce speeches and pamphlets, and the many collections of state papers, such as Whitelock, Rushworth, Clarendon, Husband, and others. Hatsell attacks the constitutional portions of this work as an attempt to show "that the constitution of the government is not as free in its origin as in truth it is".⁹ But Cobbett uses much of its parliamentary material without question.

Anchitell Grey's *Debates of the House of Commons from the Year 1667 to the Year 1694*, published in ten volumes in 1763, differs from the above compilations in both the nature and the origin of the contents, which consist almost entirely of speeches and accounts of debate recorded at the time by the author, who, from 1665 to 1685 and again from 1690 to 1694, sat in the House of Commons as a member for Derby. To make connections, insertions have been made from the *Journals*, and many notes, based

⁶ *Parliamentary History*, prefaces to vols. IV., VII., IX.

⁷ *Memoirs of Sir Robert Walpole*, I., preface.

⁸ *Dict. Nat. Biog.*, XV. 444.

⁹ *Precedents of Proceedings in the House of Commons*, III., preface.

upon the histories of the times, have been added. Charles Townsend says that Grey's notes are "bald disjointed chat, heads of speeches partly forgotten, replies to questions that are omitted, allusions to repartees untold", but at the same time he acknowledges a debt of gratitude to him and to Marvell "for the light, clear, strong, and true, which they throw on the sayings and acts of the Pensioner burgesses".¹⁰ The very limitations set upon the work in this appraisal somehow create in the reader a feeling of confidence in the honesty of the reporting. No attempt to reconstruct the speeches appears, and in more than one place Grey's absence from the House is noted, and the statement made that "the debates that follow are compiled by another hand". According to the preface to these volumes, the notes were taken only for the use of the collector, with no view to publication, so that there was no temptation either to suppress or to misrepresent. The aim was to present the debates without circumlocution or embellishment, "preserving only the naked arguments, but so as not to conceal the ability and spirit of the speaker".

Andrew Marvell, member of Parliament for Kingston-upon-Hull, 1661-1678, wrote frequently to that corporation. His published *Works* contain four hundred pages of this correspondence in which the proceedings of Parliament seem to be faithfully, though briefly, reported.

One other collection of parliamentary materials for the years covered by this volume needs to be mentioned. In 1806 William Cobbett began the publication of his *Parliamentary History of England* from 1066 to 1803.¹¹ This work is, for the period represented in this volume, almost wholly a compilation from the earlier parliamentary and historical collections. For a later period the debates in the *Gentleman's Magazine* and the *London Magazine* are in a generous measure included. The important new material added by Cobbett is drawn from a manuscript volume of debates in the House of Lords, 1735-1743, in the handwriting of Archbishop Secker of Canterbury; some Hardwicke Papers, especially a parliamentary journal of Philip Yorke; and a number of separate speeches, published in pamphlet form or derived from other sources not always indicated.

All the extant legislation and legislative records of Scotland, from the beginning of the reign of David I. in 1124 to the Union in 1707, are embraced in the *Acts of the Parliaments of Scotland*, eleven volumes. Volumes II.-XI. were printed between 1814 and 1824; the publication of volume I. was postponed in order to allow time for necessary research, and it did not make its appearance until 1844. When these volumes were printed, it was believed that the records of Parliament for 1639-1650 had been lost or destroyed, and therefore their place was supplied by such original "warrants of records" as had been preserved, from such minutes

¹⁰ *Memoirs of the House of Commons*, II. 442.

¹¹ Other collections appeared before Cobbett, such as Debrett, Almon, and Woodfall, but as these are concerned with periods lying beyond that covered by this volume, no mention is made of them at this time.

as could be found, and from the acts of each session. In 1826 the authentic records for this period were accidentally discovered in the State Paper Office, London. They had been removed to the Tower of London during the disturbances in 1651, and when the national records were restored to Scotland after the Restoration these volumes, for some reason, were not returned. This discovery made necessary the reprinting of the fifth and sixth volumes. These appeared in 1870 and 1872, showing about 1050 more pages than in the original edition, and 2300 entries of which one-half were new, while the other half are represented in the earlier volumes only by title. The references to America, emanating from the Scottish Parliament during the period covered by the reprinted volumes, have been extracted from this record edition, but the old and the new are cited when the entries appear in each.

For Ireland we have, for this period, nothing beyond the *Journals*, which begin for the Commons in 1613, for the Lords in 1634. As to debates, Sir James Caldwell's collection, *Debates relative to the Affairs of Ireland* (Dublin, 1766), is limited to the years 1763-1764; the manuscript collection in the Library of Congress covers the period from 1776 to 1789;¹² and the *Parliamentary Register or History of Proceedings and Debates of the House of Commons of Ireland* does not begin until 1781. The *Statutes at Large* (Dublin, 1786-1799), have been useful in testing the entries in the *Journals*.

It will serve no useful purpose to supplement these general observations concerning the sources used, by repeating here the notes which are introduced in connection with the text, and which concern the origin or value of particular documents and selections supplied from these parliamentary works, or taken from volumes of less specialized character. Nor is it thought necessary to enter upon a discussion of parliamentary reporting and bibliography. The relationship of Parliament with the outside world and its attitude toward those who had disclosed its words and actions are well enough known, and the story has been sufficiently told.¹³

Moreover, it is not in the precautions taken to prevent the dissemination of parliamentary transactions that the sole or main reason is to be found for the scarcity of American materials among such records as we have for this period. It is rather because Parliament, at first, played an unimportant part in the scheme of colonial administration, so that not a great deal of American discussion took place. Around 1621, in 1641-1660, and from 1680 to 1690 will be found the most abundant mention, during this early period, of American matters; and this was largely due, in the first instance, to the direct interest of many members of the House of Commons

¹² For an account of these records of debates, see Marcus W. Jernegan, in *English Hist. Rev.*, XXIV. 104-106.

¹³ Among others, by Notestein and Relf, *Commons Debates for 1629*, introduction; G. Barnett Smith, *Hist. of Eng. Parl.*, II. 601-605; G. H. Jennings, *Anecdotal Hist. of Brit. Parl.*, pp. 421-429; Edward Porritt, *Unreformed House of Commons*, II. 458-468.

in colonial enterprises, and later, to the constitutional gains resulting to Parliament in its struggle with the Crown for supremacy. In the beginning, the relationship between the colonies and the mother country was not definitely determined.¹⁴ Over the realm, which meant England, Wales, and Berwick-on-Tweed, Parliament had full legislative authority. but whether the colonies were merely an extension of the realm or whether they were something less, dominions or dependent communities, neither precedent nor existing law could make quite clear. The latter view seemed to be the accepted one. The terms of the charters reflected the feudal character of the grants, and Parliament recognized the distinction by making especial mention of the dominions and plantations in such acts as applied to the colonies. Since the colonies, therefore, were not considered a part of the realm, it was the executive or king, at that time the embodiment of sovereignty in England, that claimed and exercised jurisdiction over them. Down to the Civil War of 1641, the Privy Council, or King in Council, was the body through which this executive control was exerted. Parliament was not able to enforce its claim to supremacy in the government, and thus to bring within its jurisdiction the power to enact legislation directly affecting the colonies. It is true that during the years of colonial beginnings laws were passed encouraging the far-off fisheries, but this relationship was "regulative rather than administrative".

The struggle between Parliament and the Crown, begun in the reign of Elizabeth, when commercial and colonial expansion became more active, grew more bitter and intense under James I., when permanent colonies were founded. The question of control over this new colonial empire was one of the fundamental issues of the struggle. In 1621, for example, during a debate on the freedom of the American fisheries, the Secretary of State denied the right of Parliament to make laws for any countries not yet annexed to the Crown, to which it was replied that Parliament had the right to make laws for Virginia. When the bill was later considered, the secretary again protested that the bill was not in order, "because it concerneth America".¹⁵ Many colonial and American matters did come before Parliament in this period before the Civil War, but in no instance was that body successful, against the opposition of the king or Council, in accomplishing anything respecting them. No better example of the Crown's power over Parliament in colonial affairs at this time can be cited than the case of the Virginia Company. When in 1624 its grievances were brought before the House of Commons, James wrote to the Speaker that the House should not trouble itself with those matters, an order which was "assented

¹⁴ On the subject of colonial administration, consult C. M. Andrews, *Colonial Period*; and by the same author, *British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675*; Osgood, *American Colonies in the Seventeenth Century*, III.; Beer, *Origins of the British Colonial System, 1578-1660*, and *British Colonial Policy, 1754-1765*; W. T. Root, *Relations of Pennsylvania with the British Government, 1696-1765*.

¹⁵ *Post*, pp. 36, 39.

to by a general silence, but not without soft muttering that any other business might in the same way be taken out of the hands of Parliament".¹⁶

The colonial policy of James was continued by Charles I. Virginia was made to depend immediately upon the king; commissioners were appointed to examine colonial charters to see if anything detrimental to the Crown had been granted; and by means of *quo warranto* proceedings, Charles began to take over the management of all New England. But before this could be accomplished, Parliament showed its determination to obtain redress of grievances, and to acquire supreme authority in the empire. Even before the execution of Charles the Long Parliament was able to gain control over the customs, the nature and extent of which vitally affected the colonies. At the opening of this Parliament, Pym protested against their legality as levied by the Crown, and complained of the burdensome nature of the duties which were "especially insupportable to the poor plantations" in America, by the tax upon tobacco.¹⁷ Soon the royal assent was secured to an act which declared that "it is and hath beene the antient right of the subjects of this realm" that no duties should be imposed without the consent of Parliament.¹⁸

With the outbreak of war, colonial matters passed under the complete jurisdiction of Parliament. Its right to legislate for the colonies was emphatically asserted in the preamble to the act of 1650, prohibiting trade with Virginia and such other plantations as maintained a rebellious attitude toward the Commonwealth—"Whereas the islands and other places in America, where any English are planted, are and ought to be subject to and dependent upon England and both ever since the planting thereof, have been and ought to be subject to such laws, orders and regulations as are and shall be made by Parliament", etc.¹⁹ So the Restoration found Parliament in undisputed legislative control over the colonies; and the subsequent acts of trade and navigation defined the commercial system by which they were to be administered. But through the duty of enforcing these laws, the increase in the number of royal provinces, and the decisions to be made in a large number of colonial questions that arose, the Crown continued to enjoy far-reaching influence; and it was not until after the Revolution of 1689 that the legal sovereignty of Parliament was undisputed. After this, legislation directly affecting the colonies increased with the growing authority of Parliament.

This volume closes with the year that saw this parliamentary influence secure, so that the account of the American matters herein set forth will show something of the colonial phase of the struggle between Crown and Parliament. Beyond the early fishing acts, which were passed before the

¹⁶ *Post*, p. 68.

¹⁷ *Post*, p. 97.

¹⁸ 16 Car. I. c. 8; p. 114, *post*.

¹⁹ *Post*, p. 218.

situation had become acute, nothing in the form of legislation was accomplished until the eve of the Civil War. An attempt was made to have the Raleigh charter confirmed by Parliament, perhaps to avoid the constitutional question that might arise; many bills concerning trade were introduced, some of which passed the Commons only to fail in the House of Lords; petitions of an interesting variety were received and referred to committees, the matter at issue being determined by some agency of the Crown before report could be made; patents were called for and examined, but in no case were the granted privileges curtailed or enlarged; and in some instances, matters already disposed of by the Privy Council were hopelessly brought before Parliament for more favorable action. There was a slight commercial contact between the colonies and Ireland, and the Scottish Parliament was somewhat concerned with the colonial schemes of that country in the new world.

The editorial policy adopted in presenting these materials seems to demand some statement in addition to the one made at the beginning respecting the scope of the series. First of all, only such parts of materials are printed as refer to any of the places or subjects included in the plan. When the connection or sense seemed to make it necessary, some little extraneous matter has been included, but as a general rule the original text has been pruned so as to leave only the essential part. Omissions, whether occurring in the original or made in the process of editing, are indicated by the usual dots; if the former is the case, a foot-note will generally mention the fact. Such instances are particularly frequent in extracts taken from the first volume of the *Journals of the House of Commons*, nor has it always been possible to explain a statement left incomplete or incoherent because of these omissions. The customary square brackets have been employed to enclose additions of any kind made to the original by the editor.

The arrangement is, of course, chronological. A word of caution is necessary respecting old style and new style chronology. In England and Ireland, until 1752, the year began on March 25. To change only the year to modern style without making a corresponding correction in the day of the month, as so often is the practice of Cobbett and others, would be altogether anomalous. On the other hand, to convert old style time fully into new might prove confusing; and the use of double dates for month, day, and year seemed awkward and troublesome. It was therefore decided to retain the old style until it was officially replaced by the new, using the double year-date, however, for the period between January 1 and March 25: thus, December 8, 1624; February 2, 1624/5; March 25, 1625. In Scotland the year began in 1600 to be reckoned from January 1. In the Scottish portion of our colonies a similar course was adopted, namely, to print each date as found in the original, leaving the reader to reconcile the old style with the new.

Following the month and day, the symbols HL and HC will show whether the proceedings reported—English or Irish—took place in the House of Lords or in the House of Commons. At the end of each entry, its source is stated in parentheses. The abbreviations *C. J.* and *L. J.*, so frequently to be found, refer of course to the *Journals* of the Commons or of the Lords; similarly, *I. C. J.* and *I. L. J.* to the *Journals* of the Irish Commons or Lords, and *A. P. S.* to the *Acts of the Parliaments of Scotland*. When the matter printed is to be found in more than one place, in the same or substantially the same form, the additional references are also given, but the source from which the text is taken is mentioned first. Variations in the several reports, unless unimportant, are noted. When accounts of the same proceeding or debate have been found, differing in origin and form of statement, if not so much in general content, all have been printed, as it was thought that this cumulative evidence would have more value than any “best text” which one might attempt to select or construct.

In reproducing the texts, two considerations have determined the editor's policy: to make the selections as intelligible as possible, and to preserve a certain uniformity in respect to form and to printer's signs and customs, which changed so much from period to period. In general, the original spelling, punctuation, abbreviations, and paragraphing have been retained. Occasionally, an additional comma or the insertion of a period seemed necessary to clear the meaning; and the editor has not hesitated, in passages taken from printed books, to reduce the capitalization which formerly stood at the beginning of every noun, especially in the *Journals*. The liberty has also been taken of bringing the use of *i* and *j*, and that of *u*, *v*, and *w*, into conformity with the modern use of those letters. The old symbols and contractions for “and”, “per”, “pro”, “tion”, final “es”, double letters, etc., have been translated and expanded. All superior letters have been brought down, and the omissions usual in such practice indicated by the apostrophe. Latin and other foreign phrases have been uniformly rendered in italics. Italics have also been used to set off the name of the speaker in reports of debates.

A more difficult question, one that was long considered before a solution was reached, was that of including or excluding papers, reports, accounts, letters, etc., which, in various ways, came before either House of Parliament. The mass of such material for the entire period is large. Some of it undoubtedly has a place in a work of this scope; much more of it either falls outside the meaning of parliamentary proceedings as conceived by the editor, or is of doubtful character. For example, a petition which was read and referred to a committee seems not to be open to question, and the context has been included, whether printed *in extenso* in the *Journals*, or mentioned only by title there and found elsewhere in print or in manuscript. On the other hand there are petitions, to be found for example among the Manuscripts of the House of Lords, no mention of which is to

be found in the *Journals*, yet which may have been under the consideration of the committee appointed to examine petitions, or may have been covered by a general reference in the *Journals*. A third class of such documents embraces accompanying papers, letters, accounts, enclosures, reports, etc., which were never intended originally for parliamentary consideration, but which may have been called for in connection with other business, or which have only incidentally come before Parliament. The tests to which the editor has submitted such material have been the questions: "Did this document originate in, or proceed from, Parliament as a body?" "Was it directed to Parliament; that is, did it originate with parliamentary consideration as its purpose?" If these questions could be answered affirmatively, the document was included; if in the negative, the substance, or perhaps only the title, was given in a foot-note. Thus a letter written by the Speaker at the direction of the House of Commons would properly be printed; likewise a petition or communication addressed to Parliament. But reports, for example, made in natural course to the Commissioner of Customs, or representations to the Admiralty, later called for by Parliament in considering the state of the nation or the subject of naval miscarriages, were not intended originally for Parliament; limited and restricted reference would therefore be made to these. Embedded documents, whenever it has seemed necessary to use them, are printed in smaller type.

The collecting of materials for this series has been the work of several besides the editor. First, Professor Marcus W. Jernegan, of the University of Chicago, prepared an extensive list of printed books and manuscripts which were certain or likely to contain reports of parliamentary proceedings or debates. With this list as a basis, the material contained in it was examined for American references. Additions located or published after this first bibliography was prepared have not been overlooked.

The pertinent items in the *Journals* of the House of Commons were drawn off by Dr. H. M. Bowman, of Canada, by Dr. Walter F. Dodd, of Chicago, and by the editor. Miss Elizabeth Donnan, now associate professor in Wellesley College, and Dr. Albert C. Dudley, of Baltimore, Md., assisted the editor in similar work upon the *Journals of the House of Lords*. The *Journals* of the Irish House of Commons were examined by Professor B. B. Kendrick, now of the North Carolina College for Women; the *Journals* of the Irish House of Lords were worked through by the editor, as were also the *Acts of the Parliaments of Scotland*.

Dr. W. R. Manning, now of the Department of State, examined a large number of books and periodicals to be found in the Library of Congress, and made therefrom appropriate selections. Similar investigations were carried on from time to time by the late Miss Georgia Sanderlin, formerly of the Department of Historical Research. The greater portion of the work of transferring text for the volume was performed by Miss Catherine Bowes.

A special source of parliamentary debates are the reports which the French ambassadors in London obtained and transmitted to their home government. These reports, preserved in the Archives des Affaires Étrangères at Paris, and described in an article by M. Paul Mantoux in the *American Historical Review* (XII. 244-269), were searched for American topics by M. Abel Doysié, under the direction of Mr. Waldo G. Leland, of the Carnegie Institution of Washington.

Much material in the libraries and archives of England was found, during visits to that country, by Dr. Jameson, Director of the Department of Historical Research. Miss Mary T. Martin, Miss E. Salisbury, and Miss Isobel Thornley assisted in the search of various manuscript sources in the British Museum, the Public Record Office, and elsewhere. Among the Egerton Manuscripts in the British Museum were found Henry Cavendish's reports, mostly in shorthand, of the "Unreported Parliament" of 1768-1774. The work of deciphering and transcribing these notes was begun by Miss Esther Galbraith.

While the editor assumes full responsibility for the shortcomings of this work, since the processes of selection and annotation were entirely his own, he desires at the same time to withhold none of the large share of credit due the above for their part in this undertaking. The assistance given by them in placing at his disposal the results of their careful and discriminating researches deserves the gratitude that is here expressed.

To the Library of Congress the Department is, as always, indebted for many favors shown. The editor personally expresses his thanks to Mr. John C. Fitzpatrick, of the Manuscripts Division, for his unfailing efforts to be helpful; and to Mr. F. W. Ashley, Superintendent of the Reading Room, for many privileges which enabled the work to be carried on to its best advantage.

Other institutions have been generous in permitting the examination and use of materials in their possession. Acknowledgments are made for courtesies extended by the authorities of the Public Record Office, the British Museum, and the Bodleian Library, and by the librarians of Trinity College, Dublin, of Exeter College, Oxford, of the Massachusetts Historical Society, the New York Public Library, and the libraries of Brown, Yale, and Cornell universities, and the University of Minnesota.

Among the individuals to whom this department and the editor are indebted for favors shown are: the Duke of Bedford, the late Dukes of Leeds and Northumberland, the late Marquess of Downshire, the late Lord Lucas, the Right Hon. E. G. Pretymann, M. P., of Orwell Park, Suffolk, and Mr. Edward H. Hancox, his librarian, Dr. J. R. McGrath, provost of Queen's College, Oxford, Mr. J. H. Gurney of Keswick Hall, Norfolk, Dr. J. H. Round, Mr. A. E. Stamp, secretary of the Royal Commission on Historical Manuscripts, Professor Wallace Notestein, and Mr. W. L. Clements, of Bay City, Michigan.

Thanks are due, also, to Mr. Clarence S. Brigham, Librarian of the American Antiquarian Society, for volumes of the *Journals of the House of Commons*, which resulted in a great saving of time and money and a greater accuracy of text, since this contribution permitted the desired items to be cut and pasted, thus doing away with the necessity of copying.

For the services of Miss Cornelia M. Pierce and Miss Mary F. Griffin in preparing this manuscript for the press and for assistance in proof-reading, the editor is deeply grateful. The index has been prepared by Mr. David M. Matteson, of Cambridge, Mass.

In 1920, the Faculty of Philosophy of the Catholic University of America, to whom the editor had submitted, in partial fulfilment of the conditions for the degree of Doctor of Philosophy, a dissertation based upon materials in this volume, kindly agreed to accept the publication of the present book in lieu of the printing of the dissertation. The editor now wishes to acknowledge his personal indebtedness to that faculty for this favor and especially to express his sincere appreciation of the assistance given him by Professor Charles H. McCarthy, head of the department of American history in that institution, who displayed at all times a sympathetic and unselfish interest in the preparation of the dissertation.

LEO FRANCIS STOCK.

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PROCEEDINGS AND DEBATES OF THE BRITISH PARLIAMENTS RESPECTING NORTH AMERICA.

PARLIAMENTS OF ENGLAND.

HENRY VIII.: EIGHTH PARLIAMENT.

Session of January 16, 1541/2—April 1, 1542 (33 Hen. VIII.).

1541/2.

Feb. 8, HL. *Hodie 1a vice lecta est billa a Communi Domo allata, de non emendis piscibus ab exteris.*¹ (Lords Journals, I. 175.)

Feb. 10, HL. *Hodie 2a vice lecta est billa a Domo Communi allata, de non emendis piscibus ab exteris.* (Ibid., p. 176.)

Feb. 14, HL. *Hodie 3a vice lecta est billa de non emendis piscibus ab exteris; que quidem billa tradita est Regio Attornato,*² *ad Domum Communem deferenda.* (Ibid., p. 177.)

¹ A proviso to this act (33 Hen. VIII. c. 2), against the buying of fish to be sold in England, excludes from its meaning "any person or persones which shall bye eny fische in any parties of Iseland Scotlande Orkeney Shotlande Ireland or Newland". (*Statutes of the Realm*, III. 827-828; printed in Prowse, *History of Newfoundland*, p. 33.) The act was continued by 37 Hen. VIII. c. 23; 5-6 Edw. VI. c. 17; 7 Edw. VI. c. 11; and 1 Mar. st. 2, c. 13 (*Statutes of the Realm*, III. 1014-1015; *id.*, IV. 175, 215). For beginnings of the Newfoundland fisheries, see J. D. Rogers, *Newfoundland* (Lucas, *Historical Geography of the British Colonies*, vol. V., pt. IV.), pp. 24-42; T. W. Fulton, *The Sovereignty of the Sea*, pp. 86 *et seq.*; Sabine, *Report on the Principal Fisheries of the American Seas*, in *Sen. Doc. 22, 32 Cong., 2 sess.*, pp. 211-213; McFarland, *A History of the New England Fisheries*, pp. 19-31. As early as 1527 there is record of an English fishing vessel along the Newfoundland coast. The fisheries soon became of such importance as to merit legislative encouragement. There is nothing to show the passage of the act through the Commons. The *Commons Journals* do not begin until 1547. Spitsbergen was also called "Newland". See Conway, *Early Voyages to Spitsbergen in the Seventeenth Century* (Hakluyt Society, *Works*, second ser., vol. XI.), p. 35.

² William Whorwode, appointed Nov. 8, 1540.

EDWARD VI.: FIRST PARLIAMENT.

Session of November 24, 1548–March 14, 1548/9 (2-3 Edw. VI.).

1548/9.

Feb. 25, HL. *Eodem die, 2a vice lecta est billa*, that the Admiral shall not take any sums of money for licence to be granted to merchants going to Iselande, etc.¹ (*L. J.*, I. 345.)

Feb. 27, HL. *Eodem die, 3a vice lecta est billa*, that the Admiral shall not take any sums of money of any merchants trafficking into Iseland, *que communi omnium procerum assensu conclusa est*. (*Ibid.*, p. 346.)

Mar. 5, HC. *L. 1.*² The bill for exactions of fishers into Iseland The four last bills sent by the Lords. (*Commons Journals*, I. 9.)

Mar. 7, HC. *L. 2.* The bill for exactions by officers in the Admiralty. (*Ibid.*, p. 10.)

Mar. 8, HC. *L. 3.* The bill for exactions, taken by the officers of the Admiralty, of merchants and fishers into Iseland. *Jud'm.*³ (*Ibid.*)

Mar. 9, HL. *Eodem die, allate sunt a Domo Communi due bille: videlicet, prima*, that the Admiral of Englande nor any his officers, shall not exact any sums of money of any merchant for licence to traffic into Iselande. (*L. J.*, I. 351.)

¹ The *Journals* contain no note of the first reading of this bill. From the passage of this act (2-3 Edw. VI. c. 6), the Newfoundland fishery became free to every inhabitant of the realm. The preamble reads: "Forasmuche as within theis fewe yeres now laste paste there hath byn levyed perceyved and taken by certeyne of the Offycers of thadmyraltye, of suche marchauntes and fysshermen as have used and practysed the adventures and journes into Iselande Newefoundlande Irelande and other places commodious for fysshinge, and the gettinge of fyshe in and upon the seas or otherwise by way of marchauntes in those partes, divers great exactions as sommes of money doles or shares of fyshe and suche other like thinges, to the greate discouragement and hindraunce of the same marchauntes and fysshermen and to no little damage to the hole Common weale; and whereof also great complaintes have byne made and informacions also yerelie to the Kinges Majesties most honorable Counsell," etc. (*Statutes*, IV. 44-45.) Parliament gave further encouragement in this year to the fisheries, by a measure imposing heavy fines on persons eating flesh on fish days (*ibid.*, p. 65).

² *Lectio prima*.

³ *Judicatum* (it is determined), an early form of signifying the passage of a bill.

ELIZABETH: FOURTH PARLIAMENT.

Session of January 16–March 18, 1580/1 (23 Eliz.).

1580/1.

Feb. 16, HL. *Hodie 1a vice lecta est billa*, for the increase of mariners, and the navigation of Englande. (*L. J.*, II. 34.)¹

Feb. 22, HL. *Item 2a vice lecta est billa*, for the increase of mariners, and the navigation of Englande.² (*Ibid.*, p. 36.)

Mar. 2, HL. *Hodie 2a vice lecta est billa*, for the increase of mariners, and the maintenance of the navigation, *quae commissa est ad ingrossandum*. (*Ibid.*, p. 40.)

Mar. 4, HL. *Item 3a vice lecta est billa*, for the increase of mariners, and for the maintenance of the navigation, *quae conclusa est*. (*Ibid.*, p. 43.)

Mar. 4, HC. LL.³ 1. The bill for maintenance of mariners, and of the navigation. The first reading. (*C. J.*, I. 131.)

Mar. 4, HC. Four bills also of no great moment had each of them one reading; of which the first being the bill for the maintenance of mariners and of navigation, was read the first time. (D'Ewes, p. 302.)⁴

Mar. 15, HC. LL. 2. The bill for maintenance of mariners, and of the navigation. The second reading.

Two provisos to the same bill, twice read; and committed unto Mr. Lieutenant of the Tower,⁵ Sir Thomas Sampole,⁶ Mr. Aldersea, Mr. Gryce, Mr. Lewknor, Mr. Cowper, Mr. Norton, Mr. Grymston, Mr. Scott, Mr. Onley, Mr. Calthroppe,⁷ Mr. Shurley, Mr. Edward Bacon, Mr. Newdi-

¹ See also D'Ewes, *Journals of all the Parliaments during the Reign of Queen Elizabeth*, p. 270. This act (23 Eliz. c. 7) forbade the importation of foreign-cured fish, allowed its exportation in certain ships, enacted duties on foreign salt fish imported, and laid down penalties for evasions of the act. The proviso added by the Commons set forth that the act "shall not extende or be prejudiciall to any providinge or bringing of Fyshe in or out of the Countrey of Island Shotland or Newfoundelande, or any the Partes or Seas thereunto adjoyning. . . ." (*Statutes*, IV. 669.) The act was repealed by statute, 39 Eliz. c. 10; *ibid.*, p. 910.

² Note the second reading again on Mar. 2. The entry of Feb. 22 in D'Ewes (p. 271) merely states that five bills had one reading, agreeing with the number designated by title in the *Lords Journals*. Further references to this bill in the House of Lords are made by D'Ewes (pp. 271, 273), which agree with the *Lords Journals*.

³ An abbreviation of "Lords", used frequently in the *Commons Journals* of this period to indicate the origin of the bill.

⁴ D'Ewes's manuscripts are in the Harleian Collection of the British Museum. For discussions of sources used by him in his parliamentary reports, see J. E. Neale on the Commons' Journals of the Tudor Period, in Royal Historical Society, *Transactions*, fourth ser., III. 144-153, 156-157; Notestein and Relf, *Commons Debates for 1629*, pp. xiii, xxi, xxviii, xxxiii, lvi; Notestein, *Journal of Sir Simonds D'Ewes*, pp. vi-vii.

⁵ Sir Owen Hopton.

⁶ Seintpoll, of Lincoln.

⁷ Charles Calthorpe, of Eye.

gate, and Mr. Estowrte:⁸ To meet at the Temple-Hall, at two of the clock this afternoon. (*C. J.*, I. 134.)

Mar. 15, HC. Two bills of no great moment had each of them one reading; of which the first being the bill for maintenance of mariners and of the navigation, was read the second time; and two provisoes also to the same bill were twice read, and committed unto Mr. Lieutenant of the Tower, Sir Thomas Sampoole, Mr. Aldersey, Mr. Grice, Mr. Lewkenor, Mr. Norton and others, who were appointed to meet at the Temple Hall at two of the clock this afternoon. (D'Ewes, p. 306.)

Mar. 17, HC. LL. 3. The bill for maintenance of mariners, and of the navigation. The third reading. (*C. J.*, I. 134.)

Mar. 17, HC. The bill for maintenance of mariners and of the navigation, was read the third time. (D'Ewes, p. 306.)

Mar. 17, HC. Mr. Chancellor of the Exchequer,⁹ Sir Henry Ratsclyff, Sir Thomas Sampoole, Mr. Aldersea, Mr. Wrothe, Mr. Crumwell, Mr. Norton, Mr. Alforde, and Mr. Gryce are appointed to consider, presently, in the committee-chamber, of the bill for maintenance of mariners, and of the navigation.¹⁰ (*C. J.*, I. 135.)

Mar. 17, HC. Mr. Chancellor of the Exchequer, Mr. Henry Ratsclyffe, Sir Thomas Sampoole, Mr. Aldersey, Mr. Wroth, Mr. Cromwell, Mr. Norton, Mr. Alford and Mr. Grice were appointed to consider presently in the committee chamber of the bill for maintenance of mariners and of the navigation. (D'Ewes, p. 307.)

Mar. 18, HC. LL. The bill for maintenance of mariners, and of the navigation; (all the amendments, provisions and additions being three times read) is passed, upon the question. (*C. J.*, I. 136; D'Ewes, p. 308.)

Mar. 18, HL. *Hodie introducta est billa a Domo Communi: videlicet, for the increase of mariners, and maintenance of the navigation, with certain amendments, and a proviso added by them, quae 1a, 2a, et 3a vice lecta est, et communi omnium procerum assensu conclusa est.*¹¹ (*L. J.*, II. 53.)

⁸ Giles Estcourte, of Salisbury.

⁹ Sir Walter Mildmay, appointed in 1566.

¹⁰ Twice during this day, when returning other bills, the Lords "recommended" this bill to the Commons. *C. J.*, I. 134, 135; D'Ewes, pp. 306, 307.

¹¹ The royal assent was given this same day. *C. J.*, I. 137; D'Ewes, pp. 274, 310.

ELIZABETH: FIFTH PARLIAMENT.

Session of November 23, 1584-March 29, 1585 (27 Eliz.).

1584.

Dec. 14, HC. The bill for confirmation of letters patents granted unto Walter Rawleigh Esquire for the discovery of foreign countries was read *prima vice*. (D'Ewes, p. 339.)¹

Dec. 14, HC. The bill lastly for confirmation of letters patents made unto Mr. Walter Rawleigh was read the second time and committed unto Mr. Vice-Chamberlain,² Mr. Secretary,³ Sir Philip Sidney, Sir Francis Drake, Sir Richard Greenfield,⁴ Sir William Courtney, Sir William Mohun and others. (*Ibid.*)

Dec. 15, HC. The committees for Mr. Rawleighs bill were appointed to meet presently in the committee-chamber of this House. (*Ibid.*)

Dec. 17, HC. The bill for confirmation of letters patents granted unto Mr. Walter Rawleigh, was brought in by the committees not altered in any word; and upon motion for ingrossing, was after some arguments upon the question, ordered to be ingrossed. (*Ibid.*, p. 340.)

Dec. 18, HC. The bill . . . for confirmation of letters patents made unto Walter Rawleigh Esquire, was upon the third reading after many arguments and a proviso added unto it, passed upon the question. (*Ibid.*, p. 341.)

Dec. 19, HL. *Hodie allatae sunt a Domo Communi 4 billae: prima*, for the confirmation of the queen's Majesty's letters patents, granted to Walter Raughleighe, Esquire, touching the discovery and inhabiting of certain foreign lands and countries, *quae 1a vice lecta est.*⁵ (L. J., II. 76.)

¹ The *Commons Journals* contain no report of this session.

² Sir Christopher Hatton, made vice-chamberlain in 1578.

³ Sir Francis Walsingham, secretary of state 1573-1590.

⁴ Grenville.

⁵ The *Journals* erroneously give all proceedings during November and December of this session under date of 1585. No subsequent action on this bill is mentioned. It recites the letters patent issued to Raleigh Mar. 25, 1584, and grants to him and his heirs forever the newly discovered "Wyngandacoa". The proviso sets forth that the act does not give license to any person imprisoned for debt, or under arrest for any cause, nor to any wife, ward, or apprentice to depart the realm, nor to Raleigh to take shipping without leave from the owners. (Historical Manuscripts Commission, *Third Report*, App., p. 5; *Calendar of State Papers, Colonial*, 1675-1676, no. 33, p. 26.) The charter is printed in Hakluyt, *Principall Navigations*, etc. (Glasgow, 1904), VIII. 289, and in Tarbox, *Sir Walter Raleigh* (Prince Society, *Publications*), p. 95. The original is in the Patent Rolls, 26 Eliz., pt. 1.

ELIZABETH: SIXTH PARLIAMENT.

Session of February 15–March 23, 1586/7 (29 Eliz.).

1586/7.

Feb. 22, HC. Sir Christopher Hatton, vice chamberlain: It was her Majesties pleasure to have dangers disclosed

The dangers which her Majesty meaneth, proceed of ancient malice, and are to be prepared for, and God called upon for aid

As to the pretence of injuries before remembered [by Spain] : Concerning Mr Drakes first voyage, her Majesty knew it not; and when he came home, she seized the whole mass of substance brought by him to satisfie the King of Spain (if cause so required) and thereupon desired certificate for invasion into Ireland.¹

Concerning Mr Drake's last voyage it was to meet with the restraints and seisures in Spain, and their purpose of war was thereupon discovered; for there was found by the master of Mr Bonds² ship who took the corrigedore, and others, a commission from the King of Spain, whereby he termed us his rebels, as he termed the Low Countries. . . . (D'Ewes, pp. 408, 409.)³

¹ See *Cal. St. P. Spanish*, 1580–1586, p. 59 and index; J. S. Corbett, *Drake and the Tudor Navy*, I. 310–315; E. P. Cheyney, "International Law under Queen Elizabeth", in *English Historical Review*, XX. 659–660.

² Alderman George Bond and nephew were London merchants trading with Spain. The reference here is to the *Primrose*, of London, which in 1585 was discharging her cargo off Bilbao when she was visited by the corregidor of Biscay with a party of officers in the guise of merchants. An unsuccessful attempt was made to seize the ship, and the corregidor was carried a prisoner to London. On him was found the king's writ authorizing him to seize all English vessels. Corbett, *op. cit.*, II. 10–11; Hakluyt, VI. 413–418.

³ Also in Cobbett's *Parliamentary History*, I. 849, and, under date of 1587/8, in "Old" *Parliamentary History of England*, IV. 313. There is no report of this session in the *Commons Journals*.

ELIZABETH: EIGHTH PARLIAMENT.

Session of February 19, 1592/3-April 10, 1593 (35 Eliz.).

1592/3.

Mar. 23, HC. Sir Walter Raleigh: The Dutchman by his policy hath gotten trading with all the world into his hands, yea he is now entring into the trade of Scarborough fishing, and the fishing of the New-found-Lands, which is the stay of the West-Countries. . . . (D'Ewes, p. 509.)¹

¹ D'Ewes's authority for this debate (upon the bill prohibiting aliens from retailing foreign commodities) is an anonymous journal kept by some member who, it is stated in the old *Parl. Hist. Eng.* (IV. 366) and by Cobbett (I. 181), was later proved to be Heywood Townshend, accredited author of *Proceedings of the Four Last Parliaments of Queen Elizabeth* (London, 1680). Though referred to on the title-page of his collections (which appeared posthumously) as a "member of those Parliaments", Townshend first sat in the House of Commons in 1597, being then but 20 years of age and its youngest member (*Dict. Nat. Biog.* and *Members of Parliament*); and in the preface mention is made of his work only in connection with the report of the session of 1601, which is much fuller than the reports of the earlier sessions and in quite different form and style. See J. E. Neale on the "Authorship of Townshend's *Historical Collections*", in *Eng. Hist. Rev.*, XXXVI. 96. A full account of the contest between the English and the Dutch for maritime supremacy following the independence of the latter, in 1581, of Spain will be found in the early chapters of T. W. Fulton, *The Sovereignty of the Sea*.

JAMES I.: FIRST PARLIAMENT.

Session of November 18, 1606–July 4, 1607 (4–5 Jac. I.).

1606/7.

Feb. 25, HC. The said Sir Tho.¹ offereth also a petition from the said merchants, touching the Spanish cruelties, and the inequality of their laws; directed thus:

To the King's most excellent Majesty, the Lords Spiritual and Temporal, and to the rest of this honourable Court:

The humble petition of the merchants of England, now most intolerably vexed with the Spanish cruelties: Humbly shewing unto your Majesty, and unto the right honourable the Lords spiritual and temporal, and the rest of this honourable court, that having, for the space of these two years, made our complaints, of divers of our ships, with our goods, taken in the Levant seas, by the Spanyards, under pretence and colour of peace, and to make search for Turks and Jewes goods, and other like pretences; and have not only made confiscation of our said ships and goods, but, in most barbarous and cruel manner, have, by torture, imprisoning, and other ill usage, brought the most of our mariners, in our said ships, to untimely deaths, with the merchants in the same: so have they also taken divers of our ships and goods in the West Indyees, and thrown many of our mariners into the seas; the rest also they have committed to the gallies, where they lie in great misery; alledging, we may not trade in those parts. And if all these robberies and cruelties were committed by pirates, we would with patience have borne our losses, supposing it not to be in the king's power to have done execution upon them; but all the wrongs done us, or the most part, are by the king's forces; and not only at sea, but in all places of the King of Spaine his dominions, where we trade, they have and do most unjustly vex us, as by our many petitions may appear. For remedy whereof, your Majesty was pleased to write divers letters to the King of Spaine, requesting him to give us justice; commanding also divers conferences with the Spanish ambassadors here: we also, these two years, have kept our servants at the court of Spaine, at our exceeding great charge, seeking justice there: nevertheless, for anything we know, we are as far from satisfaction, as we

¹ Sir Thomas Lowe, a London member, who, the same day, presented for the merchants of that city a petition setting forth the case of the *Trial*, which had been seized on her return from Alexandria (*C. J.*, I. 340-341). After the treaty with Spain was arranged in 1604 and trade re-established with that country, there arose throughout England strong opposition to the exclusive trading rights enjoyed by certain companies. In 1606, after a similar bill had failed in 1604, an act was passed providing liberty of trade with the dominions of Spain, Portugal, and France, which resulted in throwing the trade open to all. (*Ibid.*, various entries throughout pp. 264-305; *L. J.*, II. 393-425; *Statutes*, IV. 1083.) English merchants trading to Spain and her American dominions were soon complaining of seizures of their property and persons. Failing to induce James to take active steps for their protection, and the representations of Cornwallis to the Spanish government bringing no relief, they determined to lay the matter before the Commons. See F. Hermia Durham, "The Relations of the Crown to Trade under James I.", in *Royal Hist. Soc., Trans.*, n. s., XIII. 202, 204-206; Gardiner, *History of England*, I. 294-295, 336-340. Cf. Brown, *The First Republic in America*, pp. 13-20.

were, when we began our suits first. In tender consideration whereof, we, a very great number of your poor merchants, and true liege people, utterly undone without your Majesty's speedy and due protection, do most humbly desire, that we may be no longer delayed, but may have letters of mart granted us, to the value of our loss, and according to the statute made in the fourth year of the reign of King Henry the fifth, of famous memory, upon the like occasion; and that there may be other laws ordained, to enable us to trade upon equal conditions with the Spanyards: the difference and inequality of which laws we herewith present:² and we shall daily pray for the long continuance of your Majesty's prosperous reign, and the increase of much honour to this honourable assembly. (*C. J.*, I. 341-342.)

Feb. 25, HC. Sir Thomas Lowe. A petition, by the London merchants, against the wrongs of the Spanyards, and the inequality of laws of Spayne, read in the House. (*Ibid.*, p. 1021.)³

Feb. 28, HC. Motion made, that a special committee might be named, to consider of that relation in writing, as also of the petition, which were the last day exhibited, in the name of the merchants of London, touching the cruelties and wrongs of the Spaniard; and what course were fittest to be taken, for satisfaction of the parties interested, and repair of the wrongs.

Upon the motion, the House was pleased to name, to that purpose, all the Privy Council of the House, the king's learned counsel,⁴ Sir Henry Nevill, Sir Francis Hastings, the knights and burgesses of London, Sir Geo. Moore, Mr. Lieutenant of the Tower,⁵ Sir Edwyn Sandys, Sir Thomas Crompton, Sir Richard Hawkins, Sir Chro. Perkins, Sir Robert Oxenbridge, the burgesses of all port towns, Sir Francis Barrington, Sir Richard Bulkley, Sir Robert Cotton, Sir Roland Litton, Sir Lewys Lewknor, Sir Richard Lovelace, Sir Roger Aston, Sir Herbert Crofts, Sir Richard Haughton, Mr. Dudley Carleton, Sir John Hobart, Sir Robert Mansfield, Sir Henry Carey, Sir Walter Cope, Sir Antho. Cope, Mr. Tate, Mr. Brook, Sir Maurice Berkley, Mr. Fuller, Sir Jerome Horsey, Sir Roger Owen, Sir Nath. Bacon, Sir Thomas Smyth, Sir Thomas Lake, Sir Edward Hobby, Mr. Nanton, Mr. D. Steward, Mr. James of Bristowe, Sir William Strowd: to meet on Tuesday next, in the Parliament-House. (*Ibid.*, p. 344.)

Feb. 28, HC. Committees appointed for the Spanish business, touching letters of mart⁶ Tuesday, Parliament House. (*Ibid.*, p. 1022.)

² *C. J.*, I. 342, following the petition.

³ There are two versions of the *Journals* for the three sessions of this Parliament, covering the years 1604-1607. The second, called a *Diarium*, is printed after the *Journals* for 1628/9 (4 Car. I.), pp. 933-1057. There are also two reports of the session of 1623/4 (21 Jac. I.), pp. 670-715 and 715-798, the second account much fuller than the first. See Notestein and Relf, *Commons Debates for 1629*, pp. xi-xiv.

⁴ Sir Francis Bacon.

⁵ Sir William Waade, from 1605 to 1613.

⁶ The modern phrase is "letters of marque". The name of Sir Francis Hastings is not included in the list that follows, which otherwise agrees with that of the preceding entry.

1607.

Mar. 26, HC. Mr. Fuller informeth, that, upon the last meeting of the committee, touching the Spanish wrongs, etc. there was a special sub-committee chosen, and directed to advise concerning the grievances done to the subjects of England by the officers and ministers of the King of Spaine, and of some means for redress.

The names of the sub-committee were, Sir Henry Nevill, Sir Edwyn Sandys, Sir John Hollis, Mr. Wilson, Sir Geo. Moore, Sir Robert Mansfield, Sir Rich. Hawkins, Mr. Dudley Carleton, Mr. Martin, Mr. Nanton, Mr. Fuller: who, upon this motion, were appointed to meet this afternoon, and to attend their former direction. (*Ibid.*, p. 355.)⁷

May 11, HC. A report from the committee, touching the merchants petition for redress of Spanish wrongs, called for; and affirmed, that it was laid upon Sir Edwyn Sandys to make report; and he was appointed to perform it on Wednesday next. (*Ibid.*, pp. 372, 1043.)

May 13, HC. Sir Edwyn Sandys maketh report of the Spanish wrongs to our English merchants: Presenteth a petition from the merchants. Of high nature, therefore unwilling to undertake it. Divers petitions to the Lords afore. Merchants thought good to seek remedy here. He will report faithfully.

Petition, two parts: a complaint of wrong: not the king but the commissioners.

Reasons, 2d part of the petition.

The same man is both judge, and party, amongst the Spanyards.

9. Article of the peace. Prohibited place.⁸

Advantage in proofs. Great torture their proofs. Not to torture any, without presumption, in any country.

4. Disadvantage: want of redress: no appeal to the king. . . .

The travel of the committees.

All in four heads: what the wrongs: 2. what proofs: 3. what necessity of redress: 3.⁹ what means.

Wrongs great. 20 informations, from the merchants of London, 40 more ready, hundreth more to come in.

Wrongs, three heads: some, in the Levant seas, to Turkye: some, in the west ocean, to America: some, in Europe; Spayne, Sardinia.

Pretence, to search for Jewes and Turks goods.¹⁰

⁷ C. J., I. 1032, 1033. On Mar. 23, in the Speaker's absence, Fuller suggested that the Commons debate such things as they might do without a speaker, *e. g.*, the Spanish wrongs. This was agreed to, and a meeting of the committee appointed for the afternoon. (*Ibid.*, pp. 353, 1031.) Adjournments of the committee, with no account of proceedings, are entered under Mar. 30, May 1, and May 28. *Ibid.*, pp. 357, 1034, 1039, 1046.

⁸ This article of the treaty of 1604 provided that trade should be opened with all countries with which it had been carried on before the war. The two countries disagreed on the status of the Indies under this article, England refusing to yield her right to this trade, which, she contended, had been begun before the war. See Frances G. Davenport, *European Treaties bearing on the History of the United States and its Dependencies to 1648*, doc. 27.

⁹ *Sic*, in original.

¹⁰ The Spaniards were attempting to prevent traffic with Jews and Mohammedans, on the ground that it was unlawful to trade with races not Christian. Gardiner, *op. cit.*, p. 337.

Wrong, of three sorts: 1. Seized our ships, and all our goods: 2. Proceeded to the torturing, and murdering, and inthralling: 3. Negligence in giving redress. . . .

In a thing doubtful, or obscure, not just to punish the party delinquent, but cruelty.

Punish a man for the intent, in no case but in high treason. . . .

Tucker had 13 sentences for restitution.¹¹

Traitors, as Owen, and others; no true subjects have found any justice, or satisfaction.

Lord Ambassador's¹² words, in his letters.

A copy of the Lord Ambassador's complaint to the court of Spayne.

Redress thought on by the committee.

Necessary. Ten ships, divers mariners, 200,000 *l.* loss, in four years. . . .

To prevent wrongs hereafter. *Veterem injuriam ferendo invitas novam.*

Merchants pray letters of mart.

Traffick necessary, in respect of New-land, fish.

A petition to the king; and, that the Lords would join.

Petition of the Lord Ambassador of Spayne,¹³ being translated into English, was read in the House.

Mr. Fuller: To send to the Lords.

To be agreed upon Saturday. (*Ibid.*, p. 1044.)¹⁴

May 13, HC. Sir Edwin Sandys: He wished these complaints, as they were first made to the LL. of the counsell so they had still rested with them to whom they did more properly belong, as being better acquainted with matters of state, but being offred to Parliament and presented to the Lower House, and they having commaunded the committee to consider of them it was reason the House should have an account of their labors bestowed therein.

The petition of the marchants divided into 2 parts: 1. a complaint of the wrongs done by the ministers of the K. of Sp.; 2. a remedy desired, 1, by letters of mart against the Sp., 2, by making some new law to make the trade of Sp. more equal which was found to be disadvantageous to us six wayes.

1. In respect of the persons that did the wrong the K: of Spaines cheefe ministers and oficers as viceroyes liutenants of provinces etc. which are allwayes in respect of the gaine they receave by confiscations, parties, and therefore very unjust it is that they should be both parties and judges as now they are.

¹¹ The other version of this report (*C. J.*, I. 373) adds, "but never could get execution". Daniel Tucker was the cape-merchant of an expedition under Captain Challons, whose vessel and crew were taken by the Spaniards in the West Indies, November, 1606. Tucker was carried to the river of Bordeaux, whence, after entering complaints against the Spaniards, he returned to Sir Ferdinando Gorges, who wrote to Cecil about the affair, enclosing Tucker's Relation. (Brown, *First Republic*, p. 13.) The account of Challons's voyage is in Brown, *Genesis of the United States*, I. 127-139, reprinted from Purchas, *Pilgrimes*, IV. 1832-1837.

¹² Sir Charles Cornwallis, ambassador in Spain 1605-1609.

¹³ Don Pedro de Zuñiga.

¹⁴ The other version of this report (*C. J.*, I. 373) is briefer, though the same in outline. Cf. following entry.

2. Uppon pretenses the Sp. alledge which are 3: 1, that they pretend by the leauge certaine places are forbidden; 2, that our men bring in forbidden commodities of Holland; 3, that our men ayde the K. of Sp. enemies with munition as the Turke and the Venetian allso being but a supposed ennemy.

3. By theyr manner of prooffe against us which is to extort prooffe from our men by: 1, torture; 2, inquisition; 3, making them gally slaves.

4. By theyr manner of redress because the K. of Spaine can not alter or reforme the justice of some of his kingdomes from which there lieth no appele to him.

5. By the inequality of redress, for an Englishman that offends is executed and restitution allso made, the Spaniard doth onely restore [an]d that according to an undervalew of theyr

6. By theyr ass Isle of Malta and Genoa from whom no restitution can be [asked] being without the leauge.

For the wrongs done by ministers and officers of the K. of Sp. the consideration of these may be devided into 4 parts: 1, [what] the wrongs be; 2, [what] proofes we have of them; 3, what necessity of redress; 4, what is the best meanes to have redress.

1. What the wrongs be are delivered in above 20 several petitions and there is 100 more to come in, but for easy apprehension of these wrongs we will divide them according to the places where they were committed, which were three: 1, in the Levant; 2, in the west ocean trading to America; 3, in the land, as Sp., Sicily, Sardinia, etc.

In every of these 3 are 3 things to be considered: 1, the pretence; 2, the wrong; 3, the loss.

2. In the west ocean: 1, the pretence is, the Spaniard supposeth we can not trade thether by the leauge. 2, the wrong is, the punishment is unproportionable for they kill, murder or putt to the gallies all our men and confiscate theyr goods, the case being doubtfull whether our men may trade and they never giving warning to the contrary—allso they punish herein for the intent of trading as if they find our men but bending that way—and herein our men complaine they can not have that freedom France hath who doe in these places requite the Spaniards with like measure. 3, the loss in t[hat] place is of 6 goode ships one pinnas and 00 *li*.

2. The proofes of our men: 1, depositions in the Court of Admiralty taken uppon oth of goode witnesses amounting to the valew of 55,000 *li*. loss; 2, a multitude of masters of ships marchants of goode credit, theyr factors and mariners etc.; 3, our ambassadors complaint to the K. of Sp. wherein many of these things were in Sp: confessed.

3. What necessity. It is necessary in resp[ect to] the loss to our state which hath lost above 10 ships [ab]ove 100 mariners, besides hereby many fled turned to them, so theyr estate is increased by the decrease of ours, in respect of the discouraging of our mariners and marchants the K. of Sp. having observed this rule that he hath not given so much as justice to any goode subject of this realme, and hath countenanced and doth relieve with pentions such as are traitors and fugitives

as Owen, Walpoole etc. Lastly in respect of disreputation the greatest shame any estate can come unto bringing it to be contemptible to all our neighbours, and whereas in time of war we had much gaine which increased the strength of our navigation many and continual victories which won us much honor, now under color of peace all revenge is practised in torturing our men killing them confiscating theyr goods with infinite outrages and contempts as dragging the armes of England at a ships sterne etc.

4. The meanes of redress. The marchants desire letters of mart but that is not safe untill the whole trade of Sp: be left and our ships called home. The committi doe incline to be petitioners to his Majesty herein and to intreat the LL. to joyne with the Lower House. (Public Record Office, State Papers, Dom., James I., vol. XXVII., no. 19.)¹⁵

May 16, HC. Motion made, that a message might be sent to the Lords, for a conference, touching joining in petition to his Majesty, for redress of Spanish wrongs.

The message sent by Sir Edwyn Sandys, expressing the desire of the House to that purpose.

The answer returned by him; that their Lordships thought the matter very weighty, and rare, both for matter and manner; that they would consider of it; and, touching the conference desired, send word by their own messengers. (*C. J.*, I. 374 and, with little variation, p. 1045.)

May 16, HL. Message from the Lower House, by Sir Edwin Sandes and others:

That there hath been of late a petition of sundry merchants of the realm, directed to his Majesty and the High Court of Parliament, and first exhibited to the Lower House, containing a grievous complaint of intolerable wrongs and injuries that have been offered them by the subjects of Spayne (in all parts abroad where they trade), as well in taking or unjust detaining of their goods, as in bereaving of them of their liberties, and in cruel usage of divers of them, either by committing of them to the galleys, or by other tortures; that it hath pleased the Lower House to take the said complaint to heart, and have examined the same, so far forth as they could, not being able to take examination of the adverse parties, being of a foreign nation; but nevertheless they find that the particulars of the said complaint, being in number twenty at the least, are for the most part very just, insomuch as thereby they conceive that a dishonour is offered to his Majesty, wrong to the subjects, and disreputation to the state; that thereupon they, having entered into consideration of redress, have thought meet (in regard the matter concerneth a foreign nation that is in amity with his Majesty and this state) to forbear to proceed therein in any other course than by petition to his Majesty; and do earnestly desire, that the Lords will be pleased to join with them in this petition; and, for the better information and proceeding therein, will allow of a conference with committees of the Lower House, at such time and place as their Lordships shall think fit to assign.

¹⁵ Endorsed, "Sir Edwin Sandes, his speach concerning the complaints against Spaine". See *Cal. St. P. Dom.*, 1603-1610, p. 357.

Answer, that, because the Lords do find the matter to be of great weight, both in respect of the form and substance, they will therefore take some time to enter into a mature deliberation thereof, and then return them answer by some messengers of their own, so soon as conveniently they may. (*L. J.*, II. 509.)

June 8, HL. Message to the Lower House, by Mr. Serjeant Crooke and Sir Edward Stanhope:

That, for the better information of the Lords, in a matter wherein a motion had been made from the Lower House a good while since (concerning the complaints of the merchants greatly wronged, and cruelly used, by the Spaniards, in many places where they trade), they would let the Lords have a sight of the petition exhibited to the Lower House; and thereupon the Lords will return further answer touching conference.

Answer, that they will take time to consider of it, and send answer by some messengers of their own. (*Ibid.*, p. 521.)

June 8, HC. Sir John Crook and Sir Edward Stanhope attended at the door, with a message from the Lords. . . .

That their Lordships had received a motion, grounded upon a petition, directed to the king and Parliament, expressing the indignities offered to the English merchants, contrary to the nature of a peace, which should yield free commutation; desiring, there might be a conference between the two Houses, touching the said petition:

That their Lordships had formerly answered, that the matter was weighty, and rare, both for the matter and manner; and that they would send answer by their own messengers:

That, according to the duty of their place and calling, being equally sensible of any such grievance, they willingly incline to a conference: and desire, they may have the petition, wherewith they are not yet acquainted:

That they would have this House persuaded, their answer hath not been so long forborne, in respect of their neglect of any thing, which comes from this House; but that their great and serious business was the cause of this intermission; and that they now do desire a conference, and the petition to be sent unto them.

Answ. That they will send answer tomorrow, by messengers of their own. (*C. J.*, I. 380, 1050.)

June 9, HC. Moved, that some consideration might be had, of sending an answer, and the petition touching Spanish wrongs, etc., to the Lords: And whereas certain reasons, for granting letters of mart, were annexed to the petition, as it was delivered into this House; it was much disputed, whether the petition alone, or both the petition and reasons, should be sent

Touching sending an answer, and the petition of Spanish wrongs, etc., to the Lords; Mr. Speaker¹⁰ interposeth his opinion, that, since the petition hath relation to the reasons for letters of mart, and that the reasons are annexed, as part of the petition; it were fit to send both: which was so concluded by the House; and Sir Edwyn Sandys thought fit to be the

¹⁰ Sir Edward Phelps, or Phillips.

messenger; who moving for direction in his message, it was agreed to be delivered in this form:

That the House conceived, the same petition had been delivered to their Lordships; yet, because it was their Lordships pleasure to have it from the House, they have sent it to their Lordships.

That, for their part, they can make no perfect judgment of the matter, because they have no power to call the other party; and that therefore they think it more proper for their Lordships, and do refer it unto them.

This seemed to require no answer, therefore none brought from the Lords. (*Ibid.*, p. 381; the same in substance, *ibid.*, p. 1050.)

June 9, HL. Message from the Lower House, by Sir Edwin Sandes and others:

That they have sent to the Lords the petition presented to that House, with certain articles and reasons annexed thereto. They thought it needless; because, by the inscription of the petition being directed, "To the King's most Excellent Majesty, the Lords Spiritual and Temporal, and to the rest of this Honourable Court", they thought the like petition had been presented to the Lords. They observe two parts in the petition: 1. A complaint. 2. Direction for remedy. They have only entertained the first; and, having examined the proofs of the complaints, but not having power to convent those that are complained of, they do find in their judgement (so far as they could examine) the complaint just, the grievances great, the remedy necessary; but as for the second, they have not entertained any purpose to deal therein; but, as most proper to his Majesty's wisdom and clemency (who hath the protection of all his subjects), they wholly leave it to him, and do only renew that which they moved at the first, that petition may be made to his Majesty, for some such means of redress as in his princely wisdom shall be thought fit. (*L. J.*, II. 522.)

June 13, HL. The petition and articles of complaint exhibited by the merchants to the Lower House, touching the wrongs of the Spaniard, and from that House sent to the Lords, were this day read, and the debate thereon deferred until Monday next, in the morning. (*Ibid.*, p. 523.)

June 15, HL. Message from the Lords, by Sir Edward Stanhope and Mr. Dr. Hone:

That the Lords are willing this afternoon to give them answer, touching the matter of the merchants petition and articles of the supposed wrongs of the Spaniard; and the rather, because they think the time will serve after the other business concerning the bill of hostile laws.

Answer, that they will give meeting for both those matters, at the time and place prefixed. (*Ibid.*, pp. 524-525; similar entries in *C. J.*, I. 383, 1052-1053.)

June 16, HL. Report made by the Lord Chancellor¹⁷ of that which passed yesterday in the conference of the committees of both Houses, concerning . . . the petition and articles of complaint of the merchants, touching the wrongs done them by the Spaniard. (*L. J.*, II. 525.)

¹⁷ Sir Thomas Egerton, made lord chancellor in 1603.

June 17, HC. Sir Francis Bacon maketh report of the conference with the Lords on Monday last . . . touching the . . . petition of the merchants for redress of Spanish wrongs, etc.

Wherein, by the way, he said, that divers precedents were produced, proving, that, upon the petitions of the Commons, such wrongs had been redressed.¹⁸

That it was conceived, and uttered by the Lords, that, if the Commons were at any time made acquainted with such causes, it was with one of these two purposes; that either they should make some declaration of their affections, or else minister aid of money, the sinews of war. (C. J., I. 384.)

June 17, HC. Sir Fr. Bacon maketh report of the conference upon Monday, having it in paper.¹⁹

First, what the Lords former doubts, and our answers.

Earl of Salisbury first. No reply.

Persons of the merchants.

1. Petition, as it was exhibited by the merchants: 2. As it was offered to this House.

18 E. I. Unlawful weights. Divers precedents, upon the petition of the Commons. *Quære de Sir Rob. Cotton*.²⁰

If the Commons were made acquainted with such causes, with these two purposes; that either they should make some declaration of their affections or else minister the sinews of war. (*Ibid.*, p. 1053.)

June 17, HC. Sir Francis Bacon: And it please you, Mr. Speaker, I do not find myself any ways bound to report that which passed at the last conference touching the Spanish grievances: having been neither employed to speak nor appointed to report in that cause. But because it is put upon me by a silent expectation, grounded upon nothing (that I know) more than that I was observed diligently to take notes; I am content (if that provision that I made for mine own remembrance may serve this house for a report) not to deny you that sheaf that I have in haste bound up. It is true, that one of his Majesty's principal counsellors in causes of estate²¹ did use a speech that contained a world of matter; but how I shall be able to make a globe of that world, therein I fear mine own strength. . . .²²

For the matter of the petition itself, his Lordship made this division, that it consisteth of three parts.

¹⁸ Note in margin of original, "*Quære Mr. Fuller*".

¹⁹ In margin of original is written, "*Quære*".

²⁰ Cotton enjoyed considerable fame as a master of precedents. *Dict. Nat. Biog.*, XII. 309. The reference to 18 Edw. I. is to st. 2, c. 4, an act repealing commissions to assay weights and measures.

²¹ Sir Robert Cecil, first earl of Salisbury, whose speech is here reported.

²² After some observations respecting the general condition of merchants, Salisbury attributed much of the present confusion in trade to the loss of protection that had followed the abolition of the Spanish Company. He held it improbable that the wrongs should be so great, since trading into those parts was never greater; that it was presumption for merchants to urge grievances tending to war; and that complaint should have been made first to the king, to whose prerogative the questions at issue more properly belonged. See the report in full in authority here cited.

First of the complaints of the wrongs in fact.

Secondly of the complaint of the wrongs in law, as they may be truly termed; that is of the inequality of laws which do regulate the trade.

And, thirdly, the remedy desired by letters of mart.

The wrongs in fact receive a local distribution of three: in the trade to Spain, in the trade to the West Indies, and in the trade to the Levant.

...²³
For the trade to the Indies, his Lordship did discover unto us the state of it to be thus: The policy of Spain doth keep that treasury of theirs under such lock and key, as both confederates, yea and subjects, are excluded of trade into those countries; insomuch as the French king, who hath reason to stand upon equal terms with Spain, yet nevertheless is by express capitulation debarred. The subjects of Portugal, whom the state of Spain hath studied by all means to content, are likewise debarred; such a vigilant dragon is there that keepeth this golden fleece. Yet nevertheless such was his Majesty's magnanimity in the debate and conclusion of the last treaty, as he would never condescend to any article, importing the exclusion of his subjects from that trade: as a prince that would not acknowledge that any such right could grow to the crown of Spain by the donative of the pope,²⁴ whose authority he disclaimeth; or by the title of a dispersed and punctual occupation of certain territories in the name of the rest; but stood firm to reserve that point in full question to further times and occasions. So as it is left by the treaty in suspense, neither debarred nor permitted. The tenderness and point of honour whereof was such, as they that went thither must run their own peril. Nay further his Lordship affirmed, that if yet at this time his Majesty would descend to a course of intreaty for the release of the arrests in those parts, and so confess an exclusion, and quit the point of honour, his Majesty might have them forthwith released: and yet his Lordship added, that the offences and scandals of some had made this point worse than it was; in regard that this very last voyage to Virginia, intended for trade and plantation where the Spaniard hath no people nor possession, is already become infamed for piracy: witness Bingley, who first insinuating his purpose to be an actor in that worthy action of enlarging trades and plantation, is become a pirate, and hath been so pursued as his ship is taken in Ireland, though his person is not yet in hold.²⁵ . . .

Concerning the wrongs in law; that is to say, the rigour of the Spanish laws extended upon his Majesty's subjects that traffic thither, his Lordship gave this answer: that they were no new statutes or edicts devised for our people or our times; but were the ancient laws of that kingdom: *suus cuique mos*: and therefore as travellers must endure the

²³ The injustices arising out of the trade to Spain he excused, since he considered them due to delays which did not come from malice, but from the dilatory habit of the Spanish nation. Furthermore, he believed many of the wrongs were caused by the merchants themselves, because of violations of the article of the treaty forbidding the carrying of any commodities of the Low Countries into Spain. *Ibid.*

²⁴ By the bull of demarcation of Alexander VI.

²⁵ Sir Ralph Bingley was accused of complicity with the pirates in Ireland. See *Cal. St. P. Ireland*, 1606-1608, pp. 456-457.

extremities of the climate and temper of the air where they travel, so merchants must bear with the extremities of the laws and temper of the estate where they trade. Whereunto his Lordship added, that even our own laws here in England were not exempted from the like complaints in foreign parts; especially in point of marine causes and depredations, and that same swift alteration of property, which is claimed by the Admiralty in case of goods taken in pirates' hands. But yet that we were to understand thus much of the King of Spain's care and regard of our nation; that he had written his letters to all corregidores, officers of ports, and other his ministers, declaring his will and pleasure to have his Majesty's subjects used with all freedom and favour; and with this addition, that they should have more favours, where it might be shewed, than any other. Which words, howsoever the effects prove, are not suddenly to be requited with peremptory resolutions, till time declared the direct issue.

For the third part of the matter of the petition, which was the remedy sought by letters of mart, his Lordship seemed desirous to make us capable of the inconvenience of that which was desired, by setting before us two notable exceptions thereunto: the one, that the remedy was utterly incompetent and vain; the other, that it was dangerous and pernicious to our merchants, and in consequence to the whole state.

For the weakness of the remedy, his Lordship wished us to enter into consideration what the remedy was which the statute of Henry the fifth²⁶ (which was now sought to be put in execution) gave in this case: which was this; that the party grieved should first complain to the keeper of the privy seal, and from him should take letters unto the party that had committed the spoil, for restitution; and in default of restitution to be made upon such letters served, then to obtain of the Chancellor letters of mart or reprisal. Which circuit of remedy promised nothing but endless and fruitless delay, in regard that the first degree prescribed was never likely to be effected: it being so wild a chase, as to serve process upon the wrong doer in foreign parts. Wherefore his Lordship said that it must be the remedy of state, and not the remedy of statute, that must do good in this case; which useth to proceed by certificates, attestations, and other means of information; not depending upon a privy seal to be served upon the party, whom haply they must seek out in the West Indies. . . .²⁷ (James Spedding, *The Letters and Life of Francis Bacon*, III. 347-361.)²⁸

²⁶ 4 Hen. V. st. 2, c. 7, respecting the breaking of truces.

²⁷ In considering next the danger of the remedy, it was shown that retaliation would immediately follow by the confiscation of all English property in Spain, which far exceeded in amount and value Spanish goods within the power of England to seize. He pointed out the injustice of hearing but one side of the complaints and, by citing many precedents, maintained that the determination of matters relating to war and peace was the prerogative of the crown. Finally, he declared that the king would not refuse, upon just provocation, to enter into war. Salisbury was followed by Northampton, who advanced several reasons, all bearing upon prerogatives, against the Lords' concurrence in the petition to the crown. See the report in full.

²⁸ Taken from Harleian MSS. 6797, f. 162; a copy corrected by Bacon himself. An imperfect copy of the same report, agreeing verbatim, in so far as it goes, with this, may be found in State Papers, Dom., James I., vol. XXVII., no. 53.

Session of February 9, 1609/10–July 23, 1610 (7-8 Jac. I.).

1609/10.

Feb. 14, HC. *Sir Geo. Moore* maketh report of the committee for privileges. . . . *Sir Geo. Sommers*.¹ Opinion, not to be removed. Case of ambassadors: disgrace: injustice. If he return, and challenge privilege, upon arrest, to be granted

Sir Geo. Moore: That *Sir Geo. Sommers* not to be removed. No disgrace, but a grace, to be a governor in Virginia. No injustice: but injustice to the town, and to this House: not to chuse

Sir Geo. Sommers like to *Sir Ja. Lee* in Ireland.²

Sir Tho. Holcroft: For his remove.

Sir Edwyn Sandys: Answer the objections. Disgrace. Comparison with ambassadors. Some prejudice to the House. To remove, without precedent. Three causes of remove: 1. Disgrace. 2. Grace. [3.] Sickness incurable.

Case of ambassadors. Three differences: That, foreign; this, home. No magistracy; this, magistracy. This, with a purpose of continuance; that not to continue long. Presumed for his life.

A new precedent: done upon deliberation.

Sir Nath. Bacon: Not to be removed.

Mr. Fuller: The end of parliaments, to have men present, that do represent.

Q. Whether a warrant for *Sir Geo. Sommers*: a new to be elected.³ (C. J., I. 392-393.)

¹ M. P. for Lyme Regis from Feb. 25, 1603/4. He was one of the chief movers in the formation of the London or South Virginian Company, and on May 23, 1609, when the new charter was granted, was made admiral of the company. In June of that year he sailed for Virginia, but was wrecked on the Bermuda or Somers Islands, of which he took possession in the name of the king. He arrived at Jamestown May 23, 1610. In the following June he set out for the Bermudas to secure supplies for the Virginia settlement, but was again shipwrecked and did not reach the islands until early in November. He died there a few days later. (*Dict. Nat. Biog.*, LIII. 220-221.) The question here mooted seems to have been, whether his seat should not be vacated, by reason of his appointment to service across the Atlantic.

² James Ley, first earl of Marlborough, M. P. for Westbury, 1604-1605, during which period he was also chief justice in Ireland, and commissioner of the great seal at Dublin.

³ Sir Francis Russell was chosen.

JAMES I.: SECOND PARLIAMENT.

Session of April 5–June 7, 1614 (12 Jac. I.).

1614.

May 11, HC. L. 2. An act against transportation of any iron ordinance

Sir Wm. Strowde: That the supplying Virginia, etc., may not be a colour to carry it from thence into Spayne, and other parts (*C. J.*, I. 479-480.)

May 12, HC. The Company for Virginia prefer a petition; which read; and Monday, nine of the clock, appointed for the counsel for the Company of Virginia, in this House.¹ (*Ibid.*, p. 481.)

May 16, HC. *Mr. Brooke*² moveth, the Virginia business may be tomorrow, seven of the clock. (*Ibid.*, p. 486.)

May 17, HC. Ordered, my Lord of Southampton, my Lord Sheffield, etc. shall come in, to hear the treaty³ of the Virginia business; and that the Lords shall, for a time, sit bare, and shall shortly after, at Mr. Speaker's discretion, be spoken to. Ordered, upon the question, that no member of the House shall stand in the entry, upon penalty of 12 *d.* to the serjeant.

Ordered, there shall be great silence, at the Lords being here.

Mr. Martyn, of counsel with the company, cometh in before the Lords.⁴ The bar, first down, taken up, at the Lords coming in. The Lords stood bare, till after Mr. Martyn had begun. Then Mr. Speaker⁵ spake to him, to stay; and then, in the name of the House, spake to them, signifying to them the pleasure of the House, that they should sit down, and be covered.

[*Richard Martin:*] Queen Eliz. of ever-growing memory, compared by the king to Augustus. That she Lady of the Seas, whole fleets stoop-

¹ Neill, in *Virginia Company of London* (pp. 67-68), mistakes the French Company, whose affairs were considered by the Commons on April 20, for the Virginia Company. Brown was likewise misled, and reprints the debate of that day in his *Genesis* (II. 689-690); but in his *First Republic* (p. 215 n.), he corrects the error. However, Antonio Foscarini, Venetian ambassador in England, writing on May 9, 1614, to the doge and senate, says of this Parliament: "There has been a proposal with regard to the colony of Virginia, Bermuda and the affairs of those parts, with the intention of assisting them with the forces of this realm, to attain the progress which is desired." *Cal. St. P. Venetian*, 1613-1615, p. 119.

² Christopher Brooke from York, who took part in the debate following.

³ Meaning, as often in that day, negotiation.

⁴ Richard Martin, counsel of the Virginia Company since 1612, had represented Barnstaple and Christchurch in Parliament and in 1615 was an incorporator of the Somers Islands Company. At the time of his death (1618) he was recorder of London. Martin's Hundred, containing about 80,000 acres on the James River below Jamestown, was named for him.

⁵ Sir Randolph Crewe.

ing [before] the red cross in one of her ships.⁶ The discovery, by her subjects, of all the seas about the world.

Amadis,⁷ and after, Whyte,⁸ employed by Sir W. Raleigh, in those discoveries. He termed a subject of envy, in his greatness; now a mirror of the vanity of all earthly things.⁹

This plantation began 1606. Religion. Captain Newport,¹⁰ Sir Tho. Gates.¹¹ Virginia, a bridle for the Neopolitane courser, if our youth of England able to sit him; for which they will give them golden spurs. L. d' la Warre.¹²

That now a settled plantation: all things necessary for food

That this conquest just. The Spanyards course in the Indydes. Don John D'Aquila¹³ in Ireland. Our usage of the Indydes merciful and respective. That this country never yet felt the yoke of the plow.

1. Objection, that, if this undertaken by this House, and king, this might prove to a war.

Ans. That this no just cause of offence. The name given by the queen. The Spanyards defend the West Indydes; the Por'¹⁴ the East; the French the river of¹⁵ the Hollander their forts in the Moluccos.

That the Spanyard, by our forces, drawn to that extremity, that they would

That this city hath not three armourers.

This time of relief for the king

⁶ Until the time of the Commonwealth, English merchant ships carried an ensign of white bearing the red cross of St. George (Clowes, *Royal Navy*, II. 25). As an acknowledgment of English sovereignty of the sea, foreign vessels on meeting with an English ship were required to lower their topsail and strike their flag. Fulton, *Sovereignty of the Sea*, pp. 3, 6-7, 42, 207, 210.

⁷ Philip Amadas, or Amidas, captain of one of the two ships sent out by Raleigh in 1584. He and Barlow, captain of the other vessel, coasted northeasterly from the vicinity of Cape Fear and reached Ocracoke Inlet. They afterward visited the Indians on Roanoke Island. Several years later Amadas made an expedition to Newfoundland.

⁸ John White, one of the first settlers in Virginia. He sailed with Sir Richard Grenville in 1585, returning with Drake the following year. In 1587 he conducted a band of settlers sent out by Raleigh, but returned that same year for supplies. He again visited Roanoke in 1590.

⁹ Raleigh had been confined in the Tower since 1603.

¹⁰ Christopher Newport, who brought the first English colonists to Virginia, and supplied them for years. Between 1606 and 1611 he made five voyages to the colony. Newport News is said to have been named for him.

¹¹ One of the incorporators under the first charter, Apr. 10, 1606. He sailed for Virginia in 1609, but was wrecked off the Bermudas and did not reach the settlement until May, 1610. He was governor of the colony 1611-1614.

¹² Thomas West, third lord De la Warr, member of the council for the Virginia Company in 1609, and appointed in the following year governor and captain-general for life. In the same year he arrived in Virginia with emigrants and supplies just in time to prevent dispersion of the colony. In 1611 he returned to England, and published his *Relation*. He died in 1618, while on a second visit to Virginia. For his *Relation*, see Tyler, *Narratives of Early Virginia* (Jameson's *Original Narratives of Early American History*), p. 209, Brown, *Genesis*, I. 477, or Purchas, *Pilgrimes*, IV. 1762-1764.

¹³ For the Spanish invasion of Munster, 1601-1602, see Richard Bagwell, *History of Ireland under the Tudors*, III. 398-416; J. B. Kelso, *Die Spanier in Irland*, p. 67.

¹⁴ Portuguese.

¹⁵ The reference is probably to the St. Lawrence. See G. Fagniez, *L'Économie Sociale de la France sous Henri IV.*, pp. 283-289.

That, they require, is but a few honest labourers, burthened with children. Moveth, a committee may consider of the means for this, for seven years; at which some of their company may be present.

Columbus his offer to H. VII. neglected, because no present profit.¹⁶

That this country giveth hope of all those commodities, which a southern country can promise.

Sir Roger Owen: That the treasurer of Virginia, and those, that be of that company, shall withdraw themselves, till the matter be debated.¹⁷

Mr. Brooke, contra: For, if a bill here, that concerneth Yorke, he not to be withdrawn; for that it concerneth the commonwealth.

Sir Edw. Mountague: That the speech of Mr. Martyn the most unfitting, that ever was spoken in this House.

Sir Edw. Hobby thinketh it fit, he should be called to the bar, for his speech, wherein he hath taxed the last Parliament: hath run over all the particulars of this Parliament.

Mr. Henden, accordant.

Sir Jerome Horsey: That, if any member of this House had spoken as much, as Mr. Martyn, would have been called to the bar.

Mr. Duncombe: That his speech as a schoolmaster, to teach his scholars. Moveth, whensoever after any counsel at bar

Sir Ro. Phillippes agreeth, Mr. Martyn hath committed a very great and intolerable fault; but to be considered, with what affection he spake it.

2. To clear the Lords, that they had no hand in this.

3. That those of the Company of Virginia may stay at the treaty.

Sir Ed. Hobby: That the treaty of the king's relief may precede that of Virginia.

Sir Geor. Moore: That an extraordinary favour, to admit counsel here, upon a petition. That the speech strange. Could not have expected it from any, much less from one of his experience here, and judgment elsewhere. Remembereth his former service in this House. Moveth, not to take advantage of this error, but to remember his former good service. Not to have any committee, to collect the particulars of his speech; which fitter to be buried. It was not so

Sir Wm. Maynard: Hath heard, sithence he came into the House, that Mr. Martyn told some, that he was resolved to pay us. That there is no cause to respect him, for his former service, more than we did Mr. Chancellor.¹⁸ That, if another had offended, and he here a judge, no man would have been more earnest against him, than he.

Sir Edw. Gyles confesseth it a great offence.

Mr. Hoskyns: That speaketh with as much perplexity, as if he himself arraigned there. *Peccatum* punished *cum peccato*.

¹⁶ Bartholomew Columbus visited England in 1488, in the interest of his brother. See Vignaud, *Histoire Critique de la Grande Entreprise de Christophe Colomb*, I. 453 et seq.

¹⁷ The treasurer of the Virginia Company was Sir Thomas Smythe, M. P. for Sandwich. About 140 of this House of Commons were members of the company.

¹⁸ Sir Thomas Parry, member for Berkshire, chancellor of the duchy of Lancaster. He was suspended from the chancellorship and the Privy Council and ejected from Parliament for interfering in the Stockbridge election, but was later restored to favor. *Cal. St. P. Dom.*, 1611-1618, p. 233; *C. J.*, I. 478-479, 480-481.

Sir Wm. Strowde: That, the last Parliament, as good a moderator, as any.

Sir H. Croftes: That this day fatal to him. Wondereth, he could so overshoot himself. Sir Wm. Maynard's speech, and Mr. Hoskyns, for the cause of his not being of the House. Against Sir Jerome Horsey his motion to call him to the bar. To have that done tomorrow.

Mr. Connocke confesseth his error; but desireth, the extremity of punishment may not be pressed, by the example of Mr. Chancellor and Sir Ro. Killigrew's punishment.¹⁹ Agreeth with Sir H. Croftes' motion.

Sir Ro. Hitcham: That Mr. Martyn told him, he was in that perplexity, as never was before, sithence he was born. That he was never fearful to speak, yet now benumbed with fear. Moveth, he may not now come on his knees to the bar.

Mr. Ashley: That his heart sound and intire, his love of the state great. An amercement to be offered by *pares*. Moveth, he acknowledge his error at the bar.

Sir Cary Reynolds: Respects not his service in the last Parliament. The more his knowledge and experience, the more his error worthy of punishment.

Mr. Davys against his calling to the bar upon his knees.

Sir H. May: That Tacitus layeth a mark upon the givers of an hard censure.

Sir Tho. Hobby: That never any man called to the bar, as a delinquent, but must kneel. Moveth only, no precedent of mercy now may go against the precedents of the House.

Mr. Jones: That Sir Roger Owen, brought in as a delinquent, being sheriff of Shropshire, was suffered, at the bar, to acknowledge his offence, without kneeling.

Sir Roger Owen affirmeth it; and thinketh, when he was upon the Parliament

Sir Walter Chute:

Sir Edw. Sands: That in all his speech he used not so many words

1. That he was out of his element. 2ly, that came with the Lords.

Mr. Towse: To hear him first.

Sir W. Walter: *Non est nocens, qui non est sponte nocens.* Mordecai rewarded for

Ordered, he shall come to the bar to-morrow, standing.

Mr. Speaker to charge him: he to make his submission.²⁰ (*C. J.*, I. 487-488; also, with slight curtailment, in Brown, *Genesis of U. S.*, II. 692-694.)

¹⁹ M. P. for Helston, who, during a debate this month, threatened to pull Sir Roger Owen out of the Chair, and "used unkind countenance to him and sharp words", for which Killigrew was ordered to acknowledge his error at the bar. (*C. J.*, I. 483). Later he was accused of the poisoning of Sir Thomas Overbury, but was exonerated.

²⁰ Martin's offense consisted in reproving the House for wasting so much time and in presuming to instruct the members in what manner they should proceed. See Chamberlain to Carleton, May 19, *Cal. St. P. Dom.*, 1611-1618, p. 234 (printed in Brown, *Genesis*, II. 696); Lorkin to Sir Thomas Puckering, May 28, in Thomas Birch, *Court and Times of James I.*, I. 317, E. D. Neill, *Va. Co. of London*, p. 72, and Brown, *Genesis*, II. 697.

May 18, 1680. He offered to kneel.

Mr. Speaker: That he had done himself much right in the beginning. Petition of Virginia. Order for counsel. That he then for counsel appeared, with divers Lords. That at first prepared to hear him with all respect and love. The remembrances of the plantation well accepted, and looked upon with the eyes of our love.

That after unfortunately digressed to matters of much weight, impertinent. That took upon him to censure some things, and to advise.

That the House took this for a great presumption, and did disdain and contemn it. That the House, zealous of the honour of the House, hath thought fit to convent him to the place where his offence, to receive satisfaction from him. That hath many friends here; yet now all look upon him with eyes as judges, not as private friends.

Mr. Martin: That all mens actions subject to error; his more, because so weak. Yet not in love with error, and as willing, as any man, to be divorced from it. Confesseth, he hath digressed from order, and from his own purpose. This occasioned by presence of the Lords, he not well instructed in the business. That when he came, like to a ship, that cutteth the cable, and putteth to sea. So he, to cut his memory, and trust to his invention.

That never knew of the Lords presence. When here, the zeal of this House eat up his judgment. That he forgot himself. Acknowledge his error, not for fear of punishment. Glad, he example to all others. Submitteth himself to their censure. Doth it not with a dejected countenance; for cannot but receive comfort in acknowledging of his error.

Sir Wm. Maynard: Glad, the House yesterday proceeded to mercy. Commendeth his carriage and answer.

Sir Ro. Phillipps: That, acquainted by him with the course taken by the House in shewing mercy, he protested, that troubled him more, than any other punishment could have done. Moveth, he may now be called for, and the pleasure of the House signified to him.

That the House taketh his offence great, and of a high pitch: that they have likewise inclined to the height of mercy; respecting his person, good affections, and former service here. They, upon his acknowledgment here really made, are pleased he be remitted, presuming, he will sin no more in the like.

Mr. Martin: That this doom sheweth, they not persuaded he came to offend with a high hand. Thanks for their favour. Petitioneth, that, to fill up the measure of their grace, they would be pleased to appoint a committee, to consider of the Virginia business. (*C. J.*, I. 489; *Brown, Genesis*, II. 695-696.)

JAMES I.: THIRD PARLIAMENT.

Session of January 30, 1620/1-December 19, 1621 (18-19 Jac. I.).

1620/1.

*Feb. 3, HC. Lord Bacon:*¹

This kingdom now first in his Majesty's times hath gotten a lot or portion in the New World, by the plantation of Virginia and the Summer Islands. And certainly it is with the kingdoms on earth as it is in the kingdom of heaven: sometimes a grain of mustard seed proves a great tree. Who can tell? (*Spedding, Lord Bacon's Works*, XIV. 175.)

Feb. 6, HC. Sir Geor. Moore: That any members of the House, being in town, and not attending here, the serjeant to be sent for them.

Sir Ro. Phillippes moveth, a gentleman may be sent for and nameth Sir Edw. Sands.²

*Sir Sam. Sands*³ sheweth the cause of Sir Edw. Sands' absence: his business about the Virginia business: a patent now drawing about it. Desireth to excuse him, till that business over.

Sir Edw. Gyles: Virginia not to keep him from England.

The serjeant to be sent for all the members of the House, now in town, as well lawyers, as others, to be here presently, and to attend every day. . . . (*C. J.*, I. 510.)

Feb. 13, HC. L. 1. An act to prevent exactions, and taking of tythes for fishing voyages. (*Ibid.*, p. 518.)

Feb. 26, HC. L. 2. An act to suppress the taking of tythes for fishing voyages.

Mr. Denny: That this bill too general; for taketh away an act of Parliament, 2 Ed. VI.⁴ and custom. That most of the tythes, which maintain the ministers of the coast towns, consist of tythes from fishing beyond the seas, and out of the wages of mariners. That this will overthrow the maintenance of ministers there.

The act 2 Ed. VI. appointeth payment of personal tythes, as by custom 40 years before. . . .

¹ In reply to the Speaker's formal excuse when presented to the king, after his election.

² For Sandys's connection with the Virginia Company, see Brown, *The First Republic*, also his *Genesis, passim.*, and *Dict. Nat. Biog.*, L. 286. He had been appointed a member of the council in 1607, was joint manager of the company in 1617, and its treasurer 1619-1620. He was representing Sandwich in this Parliament. The following day he declared in the House that "neither ease nor unwillingness to serve the king, country, and this House, kept him away, but the great haste of a business of weight, lying upon him, made him absent". *C. J.*, I. 513.

³ A brother of Sir Edwin, also a member of the Virginia Company.

⁴ C. 13, an act for the true payment of tithes, which enacted that all tithes should be set out and paid according to the custom of forty years preceding, and provided that towns on the coast should pay tithes by fish. *Statutes*, IV. 55.

Sir Edw. Gyles, accordant: And desireth nothing, but only provision, for the fishing at the New-found-land. Setteth forth the benefit of that fishing, for increase of mariners. Carry nothing hence, but victual: their return great. In the west part, extortions of tything, where no ancient usage. Can prove the suggestions of the bill, for exactions, excommunication, etc.

Dr. Gooch, against the bill. That the mariners for the New-found-land, half the seminary of the mariners of England.

To encourage the mariners; but not to take the rights from the ministers, by law, and custom. Personal tythes remain, though the oath of the defendant, for personal tythes taken away. This tythe of fishermen reserved by the statute.

Sir Ed. Seymor, contra. That this crept in first, as a gratuity, not of a custom; now extremely exacted upon, as a matter of right. That this already a great decay of mariners.

Sir Cary Raleigh: This a most beneficial trade, for money, and many other commodities.

Sir Wm. Cope: The tythes *jure humano*; therefore we may make a law here.

Mr. Glanville: That they, by degrees, have got some gratuity, and now press it as a custom. Tythes not due *per legem terrae*; but in the seas; which the king's due, if any: but this is for tythe of fish, got out of the seas, none of the king's. No custom can be here for tythe of fish taken there.

Committed to all the Privy Council of the House, all burgesses of port towns, all that have spoken, except Dr. Gooch, Mr. Drake, all knights of maritime counties, citizens of London and Yorke, all the barons of the Cinque Ports, Sir Wm. Strowde, Sir W. Heale, Sir Tho. Row, Sir James Perrott, Mr. Mallett.

Mr. Chidley: That Mr. Speaker should have first propounded the question, before he put it; that men might have prepared themselves to answer, either I, or No.

Wednesday, two of the clock, Exchequer Chamber. (*Ibid.*, pp. 526-527.)

Feb. 26, HC. *Sir Edw. Sands* remembereth his Majesty's recommendation to this House, of the scarcity of money. . . .

Three heads: 1. Not importing money: 2. Exportation of it; which not possible to observe, till trade balanced: 3. Consuming it, when here. A great mass of silver money heretofore yearly brought into England. West Indies, the fountain; Spayne, the receipt and river, from whence floweth into all parts. . . . (*Ibid.*, p. 527.)

Feb. 26, HC. *Master of the Wards*⁵ reporteth from the king; that he never liked the ring lottery; ever suspected it: yielded, because he was informed, the plantation of Virginia could not subsist without it: will now suspend it, and revoke it quite, if shall be found here a grievance.

⁵ Sir Lionel Cranfield

Master of the Wards to return thanks to his Majesty, and to intreat him to take some present course in this.⁶ (*Ibid.*, p. 528.)

[Feb. 26 or 27],⁷ HC. *Sir Ed. Sands*: The causes of want in respect of importation are these: Spaine is the well head for silver and though the law be vigorous, yet so long as they want the commodities of other nations and have no commodities to returne, their money must needs go out. By the one great head of tobacco there is 100,000 *l.* brought less than was wont to be yearly.

2. The fish taken at Newfoundland land and at Mount Liggerd⁸ in the north parts of Virginia which is much better than that of Newfoundland is caried to Spaine and greedily bought there for readie money which is all brought for France and taken up by the marchants there to make ruen the trade of France.

3. The tobacco of Virginia and the Summer Islands is in reputation meaner yet that which was confiscated was sold for 8 *s.* a pound. I do not speake against the patent for tobacco but wish that the streame may be turned to those places and not as now it is wholly to Spaine. It is known that Trinidad and the river of Oronoque were heretofore desolate and are now so increased as to yield the K. in customes 50,000 *l.* per annum.⁹

Other reasons of the decay of moneyes. 1. Indicoes and spices were heretofore bought with the native commodities and are now bought from the East Indies where the greatest part of the stock is readie monie.

2. The forbearaunce of trade to the Westindies which in the past time was verie frequent.

3. The buying of fish of strangers that fish upon the coast paying readie money for it. . . . (British Museum. Add. MSS. 26637, f. 26.)¹⁰

[Feb. 26 or 27, or Mar. 6],¹¹ HC. *Edw. Cooke*: Silver certaynely comes onely from the West Indies: and would have an act of Parliament, that noe coyne should bee altered into plate. . . .

⁶ By art. XVI. of the third charter to the Virginia Company, 1612, lotteries were authorized for the benefit of the colony. The returns from these approximated £29,000 (A. R. Spofford, "Lotteries in American History", in *Am. Hist. Assoc., Annual Report*, 1892, p. 173). An account of the part played by lotteries in the history of the Virginia Company will be found in W. R. Scott, *The Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1720*, II. 252. On Mar. 4, 1621, the Privy Council suspended the lotteries and directed a proclamation to that effect to be prepared for the king's signature. (*Acts of the Privy Council, Colonial*, I. 39; *Cal. St. P. Col.*, 1574-1660, p. 25.) On Mar. 7 the House was informed of the proclamation, and it was signed the following day. *C. J.*, I. 543; Brown, *First Republic*, p. 394; C. S. Brigham, *British Royal Proclamations relating to America, 1603-1783* (*Am. Antiquarian Soc., Transactions and Collections*, XII.), p. 31.

⁷ The question of the scarcity of money was first considered on Feb. 6 (*C. J.*, I. 510-511). It was further debated on Feb. 26, when the matter was referred to the committee of the whole House, who were to meet every Tuesday (*ibid.*, p. 528). They made report Mar. 13 (*ibid.*, p. 552). Compare the substance of this and the undated report following with those of Feb. 26 and 27, on the same subject, from Add. MSS. 34121, *C. J.*, and Cobbett.

⁸ Misread for some form of Monhegan? See report of Sandys's speech, from Add. MSS. 34121, *post*.

⁹ Note, in another hand, "Veriena [Varina] tobacco the best".

¹⁰ Proceedings in the House of Commons, Jan.-Nov., 1621, with notes. *Cat. Add. MSS.*, 1854-1875, p. 262.

¹¹ See note 7, *ante*.

Undue exportation of money. . . . At the well head is Spayne: for there is the well of all money especially silver. . . .

Fishing for a kind of fyshe called menhegging¹² in the north partes of Virginia. It is much like and better then our ling. They carry all of it into Spayne, and the fish is such as it is there noe sooner spoken of and notyce given of it but presently they come with dollars of 8¹³ and other coyne and presently buy it, and the money is intercepted by merchantes of other companies. . . . (British Museum, Harleian MSS. 1058, f. 10.)¹⁴

Feb. 27, HC. In committee of the whole. *Sir Edwyn Sands:* . . .

The great care is how to import mony. The causes of want of silver. Spayne wanteth to suply her large domynions an infinite supply of comodities: thence wee brought 100,000 *l.* The fishing at Monhigen exceedeth New foundland fishinge caryed into Spayne. Intercepted by the merchants of France: to the valewe of 100,000 *l.* per annum now brought home in tobacco.

Rochell state, and Spayne will not admit foren comodities, till their owne bee spent: soe for our Virginia and Lower Isles tobacco: soe the difense and cure.

The Kinge of Spaynes customes increased 50,000 *l.* per annum. . . . (Add. MSS. 34121, f. 15.)¹⁵

Feb. 27, HC. In committee of the whole House. *Sir Edw. Sandys:* There are three principal causes of want of money in the kingdom. 1. Defect of importation of money. 2. Excess of exportation of money. 3. Consumption of money in the kingdom. Merchandize and money is all one in matter of importation and exportation, but in the matter of consumption money is the chief. The fountain of money is Spain. By traffick we have had heretofore out of Spain, every year, 100,000 *l.* per ann. besides the wines and other commodities we have had from thence in exchange of our merchandizes. It is lawful to bring money out of Spain for victuals, although it be prohibited otherwise. The cause we bring not money out of Spain, is, for that we have our return in tobacco; which, if we would bring out of other places, which are under the protection of our king, we should have more money from Spain. The Summer Islands and Virginia have plenty of tobacco, and it grows every year better than other; for that country tobacco was worth 2 years since but 4 s. the pound, and it is now so much bettered, as it was sold this last year for 8 s. That it will be a double profit to us to divert the bringing in of tobacco out of Spain, and to cause it to be brought out of Virginia and the Summer Islands; for thereby we shall enrich those countries under our dominion, and also England shall be better stored with money, when we will not take

¹² Menhaden.

¹³ Of eight reales.

¹⁴ "Notes concerning the principal matters transacted in the Parliament begun the 30th day of January, 1620/1, being Tuesday; written by a member of the Commons' House." *Cat. Harl. MSS.*, I. 526.

¹⁵ "Parliamentary Diary of John Smyth of Nibley . . . M. P. for Midhurst in the Parliament of 1621 . . ." *Cat. Add. MSS.*, 1888-1893, p. 206.

our return for our merchandize in tobacco, but in coin or bullion, as we were wont to do.¹⁶

Sir Nathaniel Rich: The defect of trading into the West Indies, as in the time of Eliz. is a cause that there is a greater scarcity of money than there then was. . . . (Cobbett, I. 1196-1197.)¹⁷

Feb. 28, HC. L. 2. An act for repressing the odious and loathsome sin of drunkenness, and for the restraint of the excessive prices of beer and ale.

Upon question, no commitment of this bill, nor to be ingrossed: *obdormit*.¹⁸ (C. J., I. 531.)

Mar. 1, HC. Ordered, that, where Sir Tho. Row, appointed by the committee to report the bill of fishing, is taken sick, and hath sent the bill to Mr. Glanvyle, one of the committee, and present at it, may now report the bill.

Three alterations: two of restraint; one of enlargement. Restrained it only to the coasts of America: 2ly, restrain the taking of tythes, in respect of fish and fishing, not of the person. For enlargement, the word "adventurer" added.

The amendments twice read.

Sir W. Heale prayeth a recommitment: for too short, extending only to America.

Mr. Whitson: No reason, the mariner fisherman should pay tythe, rather than the other mariners, who make better voyages.

Sir W. Earle: That not thought fit, this should extend to other places, besides America.

Sir Tho. Wentworth: To have it extend to other parts, as well as to America.

Mr. Glanvyle: If this had been thus, so many provisoes, as would have clogged the bill.

Upon question, recommitted; Monday next, Exchequer. (*Ibid.*, p. 533.)

Mar. 7, HC. The committee to meet, for the bill for fishing, on Friday next, at two of the clock, in the Exchequer Chamber. (*Ibid.*, p. 543.)

Mar. 13, HC. Master of the Wards¹⁹ reporteth from the committee for scarcity of coin.

That the committee resolved, upon question, that the importation of Spanish tobacco is one cause of the want of money.

¹⁶ Sandys stated the previous day that £120,000 went out of the kingdom every year for tobacco (C. J., I. 527; Cobbett, I. 1195). For the early history of tobacco and its regulation, see Beer, *The Origins of the British Colonial Systems*, 1578-1660, chs. IV., VI.

¹⁷ From the *Proceedings and Debates of the House of Commons in 1620 and 1621* (T. Tyrwhitt ed., 1766), incorporated in Cobbett, pp. 1179-1366. These were notes of Edward Nicholas, member from Winchelsea and secretary to Lord Zouche, which were published from his original manuscript in Queen's College, Oxford. See preface to Cobbett; Gardiner and Mullinger, *Introduction to the Study of English History*, p. 335; *Cal. St. P. Dom.*, 1619-1623, pp. 222, 332.

¹⁸ One-third of the penalties imposed by this act was to go to the Virginia Company. Hist. MSS. Comm., *Third Rept.*, App., p. 18.

¹⁹ Sir Lionel Cranfield.

Resolved, upon question in the House, that the importation of Spanish tobacco is one cause of the want of money within the kingdom; without one negative. . . . (*Ibid.*, p. 552.)

1621.

Apr. 17, HC. L. 1a. An act for the freer liberty of fishing voyages, to be made and performed in the sea-coast and places of New-found-land, Virginia, New England, and other the sea-coasts and parts of America.²⁰ (*Ibid.*, p. 578.)

Apr. 17, HC. Master of the Wards: That Sir Edw. Sands, from the sub-committee, delivered to the grand committee five heads of the decay of trade:

3ly, The importation of Spanish tobacco; for which 60,000 *l.* paid yearly, and 60,000 *l.* loss in commodity: so as loss of importing 120,000 *l.* per annum, of bullion: and resolved, 100,000 *l.* yearly, at least. The remedy: to supply tobacco out of Virginia, and the Summer Islands; and to prohibit all other tobacco. That resolved, this prohibition might be, without breach of the treaty. That as great difficulty, at first, to plant tobacco, whence now cometh, as in Virginia: at first could get none to go thither: now, 50 *l.* a man, and 50,000 *l.* per annum to the King of Spayne; whereof hope for the

Resolved by all the committee, Spanish tobacco might be banished. By calculation, 1000 weight of tobacco spent every day in England. That licence might be had in Spayne, for two or three per cent. to export money. Pepper prohibited to be imported, and fins; the one, for the East India, the other, for the Greenland, company.

Sir Edw. Sands: That this report was only for the Spanish Company. That it was ordered by the committee, that no tobacco should be sold above 8 *s.* a pound: which would prevent stealing of tobacco, whereby the king loseth his custom; and will abridge the great charge at which now tobacco is taken.

Master of the Wards: That this, for 8 *s.* a pound, not resolved. And doubteth, it may prove dangerous, to set a price upon foreign commodities; lest the like be to us here.

Sir Edw. Coke remembereth the proclamation,²¹ which restraineth setting of tobacco: which against the freedom of a subject. The queen did so for oade; yet informed by her judges, revoked it.

To set down here, that we may plant upon our own grounds, what we will. The grand committee to consider of this, this afternoon; and whether the restraint of foreign commodity be not necessary.

²⁰ By the provisions of this bill, all British subjects were to have free right of fishing on the shores of America, and to select their places for curing fish according to priority of arrival, with liberty to take wood for fuel and repairs (*Hist. MSS. Comm.*, *Third Rept.*, App., p. 21). The bill, which passed in the Commons but which was not sent to the Lords, was a protest against the monopoly of fishing rights granted, in November, 1620, to the council of New England. See debate on second reading of the bill.

²¹ Of Dec. 30, 1619, restraining the planting of tobacco in England and Wales. Brigham, *British Royal Proclamations*, p. 18. In the next sentence, "oade" is for "woad".

*Mr. Secretary:*²² That, in some cases, a prohibition may be; as, of tobacco about London; which was restrained by act of Council.²³

Sir Edw. Coke: This may be done *pro tempore*; but when a Parliament, to have it then by it; and the prohibition to continue no longer.²⁴

Mr. Mallett: That a sub-committee hath already taken into their consideration the proclamation against setting of tobacco upon mens freehold; and other proclamations, touching mens freeholds. (*Ibid.*, p. 579.)

Apr. 18, HC. Lord Cavendish: That the business for foreign tobacco, being put off to the committee yesterday, no time for it. To have it resolved now in the House.

Resolved, to have it further debated.

Sir Sam. Sands: When a report by a committee, if none oppose it, must be questioned.

Sir Ed. Coke: That this pointeth directly at Virginia. That no commodity can be banished, but by act of Parliament. Would have Virginia have the tobacco; but an act of Parliament for it. The Privy Council may do it before a Parliament; but a Parliament then there. Will not consent to have the subject hindered from planting it here.

Sir Edw. Sands concurreth for that; but, for the order of the House, as *Sir Sam. Sands:* and to have the resolution of the House in the point of remedy, *viz.* the forbidding of foreign tobacco.

Sir Geor. Moore concordat; that being the point committed.

Sir Edw. Sands: That no words in the treaty, but free commerce: which incident to all nations in amity. That the king hath prohibited pepper, the commodity of Spayne: so whale-fins. Gold thread forbidden from Venice. That the king, by his proclamation, hath forbidden Spanish merchants to bring in any. A clause in the treaty, "to be according to the ancient customs".

That the framing a bill no prejudice.

That the fear of the Spaniards prohibiting importation of our commodities, of no value; for our trade with Spayne better in time of wars, than now. Now, in Spayne, his payment brass, sometime all; though, by law of Spayne, but a third part payable in brass. By this, 3 in the C.²⁵ lost, for silver; and 3 in the C. to export his money.

The Spanish commodities trifles to ours: his commodities, of superfluity; ours, of necessity.

Mr. Delbridge: That importation of Spanish commodity hath overthrown our trade for our commodities there; the shopkeepers selling 15 in the C. there, under other merchants, to return tobacco: and this is the cause of the falsification of our commodities here.

Sir Edw. Sands: That all the king's subjects may freely trade thither, and without licence of the company.

²² Sir Robert Naunton, from 1618 to 1623, and George Calvert, afterward first lord Baltimore, appointed in Feb., 1619, were secretaries at this time. Both were members of this Parliament.

²³ *Acts P. C. Col.*, I. 27.

²⁴ "Coke, that tobacco may lawfully be planted in England, till restrayned by the Parliament." Add. MSS. 34121, f. 68.

²⁵ Hundred.

Sir Wm. Strowde: That the importation of Spanish tobacco, a greater mischief, than we can think of.

To banish tobacco generally; and to allow Virginia but a certain time for it; and then to . . .

*Mr. Chancellor:*²⁶ Doubteth, this within the league: and gave his voice at Council table, that it was within the league.

Sir Ro. Phillippes: A ground, that not to hinder ourselves here of the same liberty, which Spayne hath taken.

That Spayne hath barred the bringing in quicksilver, pepper, etc.

Not to suffer a peace to make us poor, which is to make us rich.

Master of the Wards: That tobacco a great prejudice to our state, without all question. That Spayne hath prohibited none of our commodities. To banish all tobacco, in respect of the decay of trade, and coin, by it; and the spoiling of the subjects manners by it. For this cause to banish it generally; but not to meddle with exposition of the league.

Mr. Cary: To banish tobacco generally, and help Virginia by some other means.

Sir Ed. Sackvyle: Fit for us to study a way to enrich our own state. *Amor incipit a seipso.* We make treaties for our own good, and not for theirs with whom we treat.

Sir J. Perrott: Not to banish all tobacco, in respect of Virginia, and the Summer Islands. To give them some time; else overthroweth the plantation.

*Mr. Solicitor:*²⁷ Loveth England better than Virginia. A great hurt to all the state of our kingdom. To contribute rather to Virginia otherwise.

Sir D. Digges: Tobacco, in the king's dominions, hindereth not importation of coin: yet wisheth, tobacco of Virginia prove good.

Mr. Towerson: Except we banish all tobacco, Spanish tobacco will be brought in, as plentifully, as now.

Sir Rich. Worseley: To banish all.

Sir Ed. Sackvyle: Not to banish all, till order for supply of Virginia; else all the people there undone.

Mr. Ferror: Fit to banish all; yet now 4,000 English there, who have no means, as yet, to live on.

Sir Geor. Moore: To divide the question: 1. Whether to banish foreign: 2ly, for our own dominions.

Sir Guy Palmes: That tobacco hindereth all the kingdom, in health, and otherwise. To banish all.

Mr. Pynne: Fit to banish all; but not without some deliberation.

Sir H. Poole: Against all in general. To pull it up by the roots. To help Virginia otherwise.

Sir J. Horsey: Thought not to speak of this vile weed. When he first a Parliament-man, this vile weed not known. Thousands have died of this vile weed. Abhorreth it the more, because the king disliketh it.²⁸ Pro-

²⁶ Sir Humphrey May, chancellor of the duchy of Lancaster 1618-1629.

²⁷ Sir Robert Heath, of London, appointed Jan. 22 of this year.

²⁸ Voiced in his *Counter-Blaste to Tobacco*, published in 1604.

hibited to be used in alehouses. No good ground for Virginia. To banish all.

Sir Tho. Jermyn: Loveth tobacco as ill as any, if ill tobacco. To put the first question; and defer the second to a committee, to consider, what time fit to be given Virginia.

Sir Edw. Cecill: The question now, whether one question, or two.

Sir Francis Goodwyn, accordant. Fit to distinguish these questions; lest the last cross the first, which else will be clear.

Sir Jo. Jephson, accordant. The Virginia Company never heard. Wine and drink hurt many; yet to banish it, will kill here.

Mr. Smyth:²⁹ Hath his interest in Virginia, and Summer Islands. The company restraineth it by all means it can. To give it some time; else we overthrow the plantation. Summer Islands, and Virginia, holden of East Greenwich.³⁰

Mr. Delbridge: The consequence of the Summer Islands exceeding great.

Mr. Raynscrofte: Fit to draw a bill, and not go to question till then.

Mr. Alford: That, for foreign tobacco, thought of, and reported; this, for all, not. We read a bill thrice.

Upon question, importation of all foreign tobacco thought fit to be barred; no one negative. (*C. J.*, I. 581-582.)

Apr. 18, HC. Resolved, by question after longe debate (upon the motion of the Lo: Candish),³¹ that the importation of all forreyne tobacco shold be prohibited, declaryng that the tobacco of Virgynia and the Somer Ilandes should not bee restrayned under the word forren.

Wherin *Mr. Smyth* spake, that he had beene présent at all the metinges in and before the reces, the vacation and since, and had heard all the merchants objections and answers for the Spanish merchandises and tobacco: and could speak large to all: that since the treaty our comodities were prohibited by the Kinge of Spaine: impositions by the archduke,³² and some also by our kinge of our comodities, as whale fines, etc. And so waved the praying to avoyd the involvinge of the question, to explayne the meaning of the word (forren) for Virg[inia] and the Somer Ilands are freeholdes holden of Eastgreenwich. That knew the care to avoyd the inordinate plantyng of tobacco. To banish allwaies the desire of Gondemar,³³ etc. (*Add. MSS.* 34121, f. 70.)

²⁹ There were two of this name in this Parliament: Thomas, of Saltash, and John, representing Midhurst, from whose journal (*Add. MSS.* 34121) the following report of this speech is taken. See p. 28, note 15, *ante*.

³⁰ The form used in the Virginia and other early colonial charters reads, "to be holden of us, our heirs, and successors, as of our manor of East-Greenwich in the county of Kent, in free and common soccage only, and not *in capite*". See E. P. Cheyney, "The Manor of East Greenwich in the County of Kent", in *Am. Hist. Rev.*, XI. 29-35.

³¹ Cavendish.

³² The Archduke Albert, ruler of the Spanish Netherlands.

³³ Don Diego Sarmiento de Acuña, count de Gondomar, Spanish ambassador to England.

Apr. 23, HC. L. 1a. An act for restraint of the inordinate use of tobacco.⁸⁴ (*C. J.*, I. 586; Add. MSS. 34121, f. 78.)

Apr. 23, HC. A petition read, from two captains, planters in Virginia; Raphe Hamor, Wm. Tucker.⁸⁵

Sir Edw. Peyton: That he reported this business to the grand committee; but Sir Edw. Coke, in his report, forgot it.

Sir Edw. Sands: That this patent for tobacco giveth a forfeiture for importation, without any warning. That some of the patentees would not agree to that order, set down by the Master of the Wards and Sir Edw. Sands, of 12 *d.* in the pound; which other of the patentees had agreed to.

Sir D. Digges: That this a pitiful case; but yet we have not power to order, the patentees shall accept the rate agreed upon by the Master of the Wards.

Mr. Delbridge relateth barbarous usages of divers, that have brought in tobacco. So *Mr. Drake.*

Sir Edw. Sands: The pretence of this patent, the stop of the great abuse of tobacco. That the patentees promised the king, to do nothing to the prejudice of the plantation of Virginia; yet now labour utterly to overthrow it. That the tobacco of Virginia almost as good now, as Spanish, and within a year will be as good. The proclamation, for the forfeiture, strange; being without warning, and forfeited at the first shipping in Virginia. That this patent endeth of itself at Michaelmas next. To call in the patent, were to pleasure the patentees, who are to pay the king 16,000 *l.* per annum. To have them pay that. To relieve these poor men.

Sir Geor. Manners: To relieve them. The Lady de Laware.⁸⁶

Mr. Secretary, Sir Geor. Manners, Sir D. Digges, Mr. Delbridge, Mr. Salisbury, Mr. Alford, Sir Edw. Sands: and all, that will come, to have voice: to examine this business, and how fit to relieve these men: to-morrow in the afternoon, in the Star Chamber. Power to send for the patentees, and to see the patent. (*C. J.*, I. 586.)

Apr. 23, HC. Upon the petition of Raph Haymer, the tobacco cause and patentees are referred to Tuesday next in the St[ar] Ch[amber]. *Mr. Salisbury* and *Sir Edw. Sands* and others spak well. (Add. MSS. 34121, f. 78.)

⁸⁴ This bill, which failed to pass the Lords, permitted tobacco to be planted for the use of the planter, but not for sale; prohibited the importation of Spanish tobacco; and imposed a duty of 12 *d.* on the colonial product. See entry of May 16, when the bill was reported; Beer, *Origins of British Colonial System*, p. 116; Kingsbury, *Records of the Virginia Company*, II. 540.

⁸⁵ Ralph Hamor came to Virginia in 1609. On a visit to England in 1614 he published his *Narration*. He was a member of the council in Virginia from 1621 to 1628, and probably after. Tucker came to the colony about 1617, and was a member of the first house of burgesses, 1619. Their petition complained against the patent procured by Sir Thomas Roe and others, for the monopoly of the tobacco trade of England. *Acts P. C. Col.*, I. 32, 33; *Cal. St. P. Dom.*, 1619-1623, p. 170.

⁸⁶ Widow of Thomas West, third lord De la Warr. After the latter's death James I. granted her a pension of £500 yearly for thirty-one years, to be paid out of the customs of the plantation. From 1619 to 1623 she and her son Henry, fourth lord, transferred many shares of land in Virginia. (Brown, *Genesis*, II. 1048.) See her petition of Dec. 3, 1645, *post*, p. 171.

Apr. 25, HC. Abraham Jacob⁸⁷ to bring in his patent to the committee for tobacco. (C. J., I. 591.)

Apr. 25, HC. L. 2a. An act for the freer liberty of fishing, and fishing voyages, to be made and performed on the sea-coasts and places of New-found-land, Virginia, and New England, and other coasts and parts of America.

Sir Edw. Sands: That some have gotten a grant from the king, a grant of the land in Virginia.

Two colonies first in Virginia; northern and southward:⁸⁸ the last hath proceeded with 100,000 *l.* charge; the northern not: now desired to proceed: which called now New England. That this fishing, twice a year, far better than that of New-found-land. That the Company of Virginia, by the deceit of the masters of ships, spent, about seven or eight years sithence, lost 6,000 *l.* That the northern colony have got a sole fishing there, yea, the Company of Virginia. The king, acquainted with it, stayed the delivery of the patent.⁸⁹ That the colony of Virginia desireth no appropriation of this fishing to them. This will bring in 100,000 *l.* per annum hither in coin. The English, as yet, little frequent this, in respect of this prohibition; but the Dutch and French

This costeth the kingdom nothing, but employeth ships, and shipping: is carried to Spayne, and Bilboa; where the people willingly pay for it silver; which may be lawfully transported, being for victual.

Moveth therefore a free liberty for all the king's subjects for fishing there. That the taking of timber and wood no prejudice to the colony. A beneficial fishing hoped for on the south of America. Pitiful, any of the king's subjects should be prohibited, sithence Dutch and French at liberty; who come, and will fish there, notwithstanding the colony. That the northern colony of Virginia now prohibiteth timber, and wood, where nothing worth; and take away the salt, the merchants leave there.

⁸⁷ Abraham and John Jacob on Apr. 17, 1618, were granted for life the office of the collecting of impositions on tobacco. *Cal. St. P. Dom.*, 1611-1618, p. 170; cf. *id.*, 1619-1623, pp. 27, 175, 179.

⁸⁸ The charter of 1606 to the Virginia Company authorized the establishment of two colonies. The southern colony, established at Jamestown in 1607, was much more successful than the northern colony, which accomplished nothing beyond the short-lived settlement of the Popham colony at Sabino, on the coast of Maine. C. F. Adams, *Three Episodes of Massachusetts History*, I. 118; Justin Winsor, *Narrative and Critical History of America*, III. 209-210, 295.

⁸⁹ The patent to the council for New England (also called the Great Charter of New England), granted to Gorges and others Nov. 3, 1620, covering the territory between the fortieth and forty-eighth degrees of north latitude, with a monopoly of fishing rights in the waters adjacent. For the text of this charter see Hazard, *Historical Collections*, I. 103-118; Thorpe, *Federal and State Constitutions, Colonial Charters, and other Organic Laws*, III. 1827-1840; and *Documentary History of the State of Maine* (Maine Hist. Soc., *Collections*, second ser.), VII. 20-45, and other sources there given. Because of the protest of the Southern or Virginia Company against the monopoly which the charter created in fishing, the grant was delayed. It was surrendered in 1635. For a good account of this controversy, see Charles Deane, in Winsor's *Narr. and Crit. Hist.*, III. 295-310. See also Beer, *Origins*, pp. 271-279; Bradford, *History of Plymouth Plantation, 1620-1647* (ed. Ford), I. 101 n.-103 n., 234 n.; C. F. Adams, *Three Episodes of Mass. Hist.*, I. 121-129; Kingsbury, *Recs. Va. Co.*, I. 277, 321, 329, 397, 410, 416, 428; and Gorges's *Briefe Narration*, excerpts from which are printed *post*, p. 50. For the life and papers of Gorges, see J. P. Baxter, *Sir Ferdinando Gorges and his Province of Maine* (Prince Society, *Publications*), 3 vols.

Mr. Glanville: That this committee may direct some government for the mariners; who spoil havens with casting out ballast, etc.

*Mr. Secretary:*⁴⁰ Doubteth, the sub-committee hath not heard the other part; doubteth, the fishermen the hinderers of the plantation. That they burn great store of woods, and choak the havens. Never will strain the king's prerogative against the good of the commonwealth. Not fit to make any laws here for those countries, which not as yet annexed to this crown.

*Mr. Neale:*⁴¹ 300 ships at least gone to New-found-land this year, out of these parts. That this complained of heretofore to the Lords of the Council.⁴² London engrosseth all trades, and places. That the patentees, for this northern plantation, intended the publick good. Intend their private, which hurt to the commonwealth. 2 Ed. VI. free liberty for all the subjects, to go to the New-found-land for fish:⁴³ now make men compound for places: take away their salt. They cannot carry even proportion; but must either leave, or lack. That the fishing there little above seven weeks: no leisure to attend an admiral-court. Pretence, to reform abuses; but was to set fines. Taxed an hogshead of train-oil upon every master of ship, that appeared not at his court. That the Lords of the Council gave an order against this, which these planters have disobeyed.⁴⁴ Exacted great sums, and shot off ordnance against the king's subjects. That London merchants, by restraining trade, and imposing upon trade, undo all trade.

That many things may be added to this bill. Casting out of ballast, etc.

Mr. Chidleighe: To give some long day for the committing of this bill: and is for the committing of the bill.

*Mr. Guy:*⁴⁵ If this House have jurisdiction to meddle with this bill, would consent to the proceeding thereof. That there are divers patents. He engaged for the plantation of New-found-land. The Londoners, in this, to be commended, howsoever their greediness, in other things, justly found fault with. That the king hath already done, by his great seal, as much as can be done here by this act.

That the French planted there about 30 years sithence. That provision made, the fishermen might have timber, or wood, there. That the plantation ever furthered our English merchants.

Moveth, the pirates may be repulsed, if they come thither; and this to be provided for by the bill.

Mr. Brooke: That we may make laws here for Virginia; for, if the king give consent to this bill, passed here, and by the Lords, this will con-

⁴⁰ Calvert, one of the secretaries of state, established a colony in Newfoundland during this year. A grant was made to him by letters patent, Dec. 31, 1622, Mar. 30, and Apr. 7, 1623 (*Cal. St. P. Col.*, 1574-1660, pp. 35, 41, 42). An English translation of the Avalon grant to him is given in Scharf, *History of Maryland*, I. 34-40, and in Prowse, *History of Newfoundland*, pp. 131-132.

⁴¹ William Nyell, merchant, M. P. for Clifton Dartmouth.

⁴² See petition of Nov. 4, 1618, *Acts P. C. Col.*, I. 21.

⁴³ C. 6. See p. 2.

⁴⁴ *Acts P. C. Col.*, I. 22-23.

⁴⁵ Resident governor of Newfoundland 1610-1612, and founder of the colony there.

troul the patent. The case diverse for Gascoigne,⁴⁶ etc. which principality of themselves. To commit it.

Sir Edw. Sands: That Virginia holden of the manor of East Greenwich.⁴⁷

Committed to Sir Edw. Sands, burgesses of London and Yorke, all burgesses of port towns: and all, that will come, to have voice: this day sevensnight, Exchequer Chamber. (*C. J.*, I. 591-592.)⁴⁸

Apr. 27, HC. *Sir Sam. Sands* reporteth from the committee for survey of the business of the House. The publick bills 65. Six committed, nine once read liberty of fishing—America All these committed.

Once read: restraint of tobacco

Moveth, from the committee, that they, which committed upon bills, will attend, and hasten. 2. reading, from 8. That the bills in drawing may be speeded. . . . That all petitions of grievance may be, this afternoon, delivered to this committee, that may be distributed accordingly. (*Ibid.*, pp. 593-594.)

Apr. 30, HC. *L. 1a.* An act for the avoiding of the great charge, daily increasing upon the inhabitants in cities and towns corporate, for the relief of poor people. Upon question, rejected.

Sir Edw. Sands: To send away a great number of our people into Virginia.⁴⁹ (*Ibid.*, p. 596.)

May [2?],⁵⁰ HC. Touching the bill of free fishing which resteth redy for the question.

I was present at the comittee in Chequer. A busines it was of 3 partes:

1. Appered Mr. Gwy for Newfoundland, offerynge his provisoe which was rejected, yet not very unreasonable, in respect of his preterite paines and cost.⁵¹ 2. Two mercuryes, Sir Ferd Gorges and Sir Jo. Bowser,⁵² who brought incantations in their mouthes by their elegant speeches. And theis would monopolize the fishing. Offered it was by Mr. Chidleigh⁵³ in their behalves, to have from them liberty, if we would take it in curtesy: which was to accept of my birthright in curtesy from a subject, when also God and nature, by right of creation, had made the sea free. And theis men which are the northern plantation or New England, have not

⁴⁶ Gascony. Aquitaine.

⁴⁷ See note 30, *ante*.

⁴⁸ "Wednesday 25 April. . . . Bill for free fishing in America (read on tuesday 17 April) read againe, upon Sir Edw. Sands motion." Add. MSS. 34121, f. 82.

⁴⁹ The Virginia court of June 21 and Nov. 21, 1621, referring to this offer, agreed that a bill should be drawn to that effect, to be presented at the next session of Parliament. Sir Dudley Digges, Sir Edwin Sandys, and Sir John Danvers were appointed to draw the bill, which, apparently, was never presented. Kingsbury, *op. cit.*, I. 479-480, 489, 555.

⁵⁰ Undated in manuscript. This was the day set for the committee to meet, but the bill was not reported until May 24, and it may be an adjourned meeting that is here reported. The writer was John Smyth of Nibley; see p. 28, *ante*.

⁵¹ For the nature of this proviso, see the third reading of the bill, when it was again offered and debated, p. 54.

⁵² Sir John Bourchier, whose name appears in many forms. He was one of the patentees of New England and in 1621 patented lands in Virginia.

⁵³ George Chidleigh (or Chudley), representing Lostwithiel, was also named in the patent as one of the councillors of New England.

one man there, in theis 70 years. They would reny⁵⁴ liberty of wood and tymber for stages to dry fish: and to repair or make botses, and wheras to destroy wood (in those vast cuntries all woodes for 1000 of myles), is a benefit, and to preserve wood is a manifest mischeefe to the planter whose far greatest labor is to cleere ground and destroy wood, 9 partes of 10 of his labors: and theis New England men will nether plant themselves, nor suffer others, neyther eate hay themselves nor suffer the laborynge oxe: like coles dog: ⁵⁵ or as bests, like my next neighbors signe of St. George, that is ever redy on horsbacke, but never rydeth forwardes, *nec movet, nec promovet*.

The 3 was the Virginia Company, who wish all to bee free, and geve leave to all men freely on their coasts: and assented willingly to the bill: a company that undergoeth all care, labor, and charges out of their privates, for a generall one, and publicke good of the comon welth: who can never looke for any benefit by dyvidend, no more than each freeman of London may out of the cytyes publicke stocke and land (unless any take a lease of the corporation, and people his land himselfe, and that is, in another capacity). Whereupon considering the benefitt which Virginia promiseth (and so touch it somewhat at large) conclude, that sith this bill aymeth at the help towards that plantation, that it is a good bill, and wish it to passe for a lawe. (Add. MSS. 34121, ff. 11-12.)

May 3, HC. L. 2a. An act for the restraint of the inordinate use of tobacco.

Sir Ro. Bevil, against the prohibition of foreign tobacco. Whereupon,

Resolved, that, though a matter ordered in the House, upon question, yet, if after the same matter come in again, by bill, any member of the House may speak to this matter, *pro* or *contra*, as his opinion is; and the said question, formerly made and passed, concludeth him not.

Sir P. Fretchwell: Tobacco and ale now made inseparable in the base vulgar sort: these accompanied with idleness, drunkenness, sickness, decay of their estates, etc. Commendeth the clause, inserted in the condition for alehouses. Yet the use, in some cases, good; and therefore not to be totally taken away. Wisheth the advancement of the plantation, in respect of religion, good of this kingdom. Is against the restraint of planting tobacco here: which against the liberty of the subject. Very good and wholesome tobacco here.

Sir Wm. Strowde: A disproportion between the title and the body of the bill.

Committed to Sir Edw. Sands, Sir M. Sands, Lord Candish,⁵⁶ Sir Edw. Payton, Mr. Griffyth, Sir Nath. Rich, Mr. Treasurer,⁵⁷ Mr. Bertlett, Sir H. Myldmay, Mr. Drake: all, that will come, to have voice: Tuesday next, Exchequer Chamber. (*C. J.*, I. 605.)

May 14, HC. L. 2a. An act against transportation of any cast iron ordnance, iron mine, and cast iron shot

⁵⁴ Refuse.

⁵⁵ An apparent allusion to the fable of the dog in the manger.

⁵⁶ Cavendish.

⁵⁷ Sir Thomas Edmonds, treasurer of the household.

Mr. Guy: To have provision for ordnance for Virginia and Newfoundland⁵⁸ (*Ibid.*, p. 621.)

May 16, HC. Sir Edw. Sands reporteth the bill for tobacco. The committee hath yielded, to give the patentees the first of October, for restraint of importation of tobacco foreign: yielded, upon their promise to bring in no more, than they have already contracted for. That Michaelmas come-twelve-month, given the patentees, for to sell above the rate of 8 s. Liberty given, to set tobacco here, to use by the planter, not for sale.

That they have already erected, in Virginia, three or four iron works, which cost the company 4000 l.⁵⁹ No better iron in the world: and hopes of as good silk to be made there as in Persia, because the best mulberry trees grow there.⁶⁰

The bill, with the amendments, twice read.

Mr. Alford, against the restraint of planting tobacco in our own gardens: and not to give so long a time for importation of tobacco. *Engrossetur.* (*Ibid.*, p. 622.)

May 24, HC. *Mr. Earle* reporteth the bill of fishing upon the coast of America, with the amendments; which twice read.

Mr. Guy: That this bill pretendeth, but in truth taketh away, freedom of fishing from those, which planted in the Newfoundland. Moveth, those, which planted there, may have one place. If this be denied, will overthrow the plantation; and then some other nation will inhabit it.

Mr. Neale, contra.

*Mr. Secretary:*⁶¹ That this bill not proper for this House, because concerneth America.⁶² That the fishermen must be ruled by laws. To have the word, “unlawful”, added to the word “molestation”.

Mr. To have Greenland added. So *Sir Tho. Wentworth.*

Mr. Delbridge: Not to have the plantation there hinder the free trade of fishing from this kingdom.

Sir Edw. Sands: That some late grants by misinformation gotten; whereby our nation hindered from that freedom of fishing, which other nations enjoy.

Sir Edw. Gyles, against the re-committing of this bill. Compareth it with the best bill of this House, for coin, mariners, etc.

The word, “unlawful”, added by order. *Engrossetur.* (*Ibid.*, p. 626.)

⁵⁸ Committed but not reported. The bill had its first reading May 3. *C. J.*, I. 605.

⁵⁹ The original purpose was to establish three furnaces, but only one seems to have been erected, and that at Falling Creek, in the present Chesterfield County. Bruce, in his *Economic History of Virginia* (II. 444-449), gives a full account of these early attempts to manufacture iron in Virginia. In 1620, 150 iron-workers were sent to the colony from Warwickshire, Staffordshire, and Sussex. *A Declaration of the State of the Colonie and Affaires in Virginia* (Force's *Collection of Historical Tracts*, vol. III., no. 5), pp. 5, 10.

⁶⁰ Bruce, *op. cit.*, I. 240-243. On Aug. 2, 1619, the house of burgesses passed a law requiring every man to plant six mulberry trees annually for a period of seven years. McIlwaine, *Journals of the House of Burgesses of Virginia, 1619-1658/9*, p. 10.

⁶¹ Sir George Calvert. See note 40, *ante*.

⁶² Although Parliament opposed the crown's claim to exclusive jurisdiction over the colonies (*e. g.*, see the debate on the second reading of this bill, pp. 36-37), not a single act directly affecting them had yet been passed. Beer, *op. cit.*, pp. 300-303.

May 24, HC. Bill for free fishing ordered to be engrossed, in Newfoundland, New England, and Virginia: I⁶³ was of the committee, wherat spake Sir F. Gorges, Sir Jo: Bowser,⁶⁴ and Mr. Gwy. (Add. MSS. 34121, f. 109.)

May 25, HC. L. 3a. An act concerning tobacco: upon question, passed. (C. J., I. 627.)

May 25, HL. The petition of Sir James Cunningham, was read; wherein he shewed, that the King's Majesty having granted unto him, under the great seal of Scotland (amongst other things), the fishing of whale at Greenland,⁶⁵ for which he had prepared and victualed many ships, his Majesty was afterwards pleased, at the suit of the Muscovia Company in England, to call in the said grant, touching the said fishing, because it was pretended to be prejudicial to the state of that trade;⁶⁶ nevertheless his Majesty appointed divers lords of his honourable Privy Council here in England, to accommodate the differences between the petitioner and the said company; and that now the said company refused to pay him such sums of money, which their lordships did think fit, and set down to be paid unto him, for his losses in the provisions made for that voyage,⁶⁷ and which losses were referred, by consent of Sir Thomas Smith, knight, governor of that company, unto Sir Robert Napper, knight and baronet, Sir Allen Appesley, knight, lieutenant of the Tower, and Sir Marmaduke Dorrell, knight, cofferer of his Majesty's household; and by them certified to their Lordships.

Which petition being read, the court referred the consideration thereof unto the Earl of Warwick, the Lord Bishop of Winchester, the Lord Scroope, and the Lord Darce. And their Lordships are to meet to-morrow, at one of the clock in the afternoon, in the Painted Chamber, to consider thereof; and to call before them the said Sir Thomas Smith, or some other of the said Muscovia Company. (L. J., III. 131-132.)

May 26, HL. *Hodie allatae sunt a Domo Communi novem billae: quarum . . .* 6a. An act concerning tobacco. (Ibid., pp. 134-135.)

May 28, HC. Mr. Glanvyle reporteth the bill against tythe of fishing upon the coasts of America, with the amendments; which twice read.

Mr. Neale: That this bill, as now penned, far short of that relief, which intended by the preferers of the bill; which was, to avoid vexation of the owners and mariners. That the petitioners, as now penned, shall be in worse case than before.

Mr. Glanvyle: That, at the committee, no one voice with Mr. Neale.

⁶³ John Smyth, of Nibley.

⁶⁴ Bouchier. See note 52, *ante*.

⁶⁵ The term Greenland, although referring very frequently at this time to Spitsbergen, included the whaling grounds generally, some of which were off the American continent.

⁶⁶ The patent to Cunningham and his associates, constituting the Scottish East India Company, granted May 24, 1617, is printed in part in Bruce, *Annals of the East India Company*, I. 193-194. An account of the proceedings leading to its surrender is given in Scott, *Joint-Stock Companies to 1720*, II. 55, 104. See also *Cal. St. P. Dom.*, 1611-1618, p. 538, and numerous items indicated in index of *Cal. St. P. Col.*, 1617-1621 (East Indies, China, and Japan).

⁶⁷ This compensation was fixed at £924 10 s. Hist. MSS. Comm., *Third Rept.*, App., p. 24, where is given a list of papers annexed to this petition.

Sir Edw. Coke: That in Norfolk many ministers have their principal living by tythe of fish taken beyond sea, called Christe's dole.

Sir Tho. Row: Thinketh fittest, to have a certainty set down. *Ingrossetur.* (C. J., I. 630.)

May 28, HL. *Hodie ia vice lecta est billa*, An act concerning tobacco. (L. J., III. 138.)

June 4, HL. The Earl of Warwicke returned the petition of Sir James Cunningham, who complains that the Muscovye merchants detain nine hundred twenty and four pounds and ten shillings, awarded him in recompence of his losses for provisions made for fishing of the whale in Greene-land (which voyage was stayed by his Majesty, at the humble request of the said Muscovye merchants). And the said earl reported, that the committee for that petition had called before them divers times the petitioner, and Alderman Hamersly, governor of that company, and Benjamin Dewe, their agent; and do find, that, out of the said Sir James Cunningham's demands of nine hundred twenty and four pounds and ten shillings, there is due unto certain poor men, for that voyage, divers sums of money, amounting unto one hundred twenty-four pounds and ten shillings, the which the said committee thought fit to be presently paid unto the said poor men, unto whom the same is respectively due; and the residue of the said Sir James Conyngham's demands to be deferred until the next meeting of the House. Which the House thought fit and reasonable; and ordered, the said payment to be made, and the rest to be respited accordingly.⁶⁸ (*Ibid.*, p. 156.)

[Nov. ?],⁶⁹ HC. To the honorable assemblye the knightes and bur-gesses comittees for greivances of the Lower House of Parliament.

⁶⁸ On Dec. 18, upon the petition of the artificers who by this order were to receive a portion of the amount voted to Cunningham, the Lords ordered the Muscovy Company to pay them the remainder due (L. J., III. 199). For the residue of Cunningham's share, the Scottish East India Company petitioned the Council in July, 1622 (Parliament not then being in session), to make payment to Lucas Corselles, the treasurer, and not to Cunningham, "who holds large sums of theirs in his hands". *Cal. St. P. Dom.*, 1619-1623, p. 434.

⁶⁹ The date of this petition is uncertain. Alexander Brown, in his *First Republic* (pp. 446, 595), states that a petition from Bargrave against Smith was presented in 1621, and on Apr. 23 (O. S.), 1624. He cites no authority for either statement, nor is it made clear that these were different petitions. The *Va. Hist. Mag.* (VI. 378) follows Brown's first reference, giving the date of the petition as 1621, and the reply as having been made in November of that same year. Miss Kingsbury, in *Recs. Va. Co.* (I. 192), dates Bargrave's petition Apr. 22, 1624, and lists the reply of Johnson and Smith under date November, 1621–April, 1624 (*ibid.*, p. 151). In each entry reference is made to *Cal. St. P. Col.*, 1574-1660, p. 60, where the date of the petition is given as Apr. 22, 1624, and the reply, Apr., 1624. The same year and month are adopted in *Hist. MSS. Comm.*, *Eighth Rept.*, App., pt. II., p. 47. The 1624 date is probably ascribed because of an endorsement (in modern hand, however) on both petition and reply, and because of a letter of Smith to Secretary Conway, Apr. 22 of that year, entreating the latter to attend the committee of grievances on the next day, "in order to help to stop the clamorous tongue of Bargrave, who has petitioned against himself and others". (*Cal. St. P. Dom.*, 1623-1625, p. 220; *Cal. St. P. Col.*, 1574-1660, p. 60.) But there is no contemporary endorsement on either paper, and the letter to Conway could as well refer to a petition of earlier date or to one of those of similar nature, addressed to the Privy Council, Apr. 12 and July 16, 1622. (*Cal. St. P. Col.*, 1574-1660, pp. 28-29; *Acts P. C. Col.*, I. 53-54.) It is not unlikely that a petition presented in an earlier session was considered, along with all other complaints referring to the colony, by the committee of grievances, in April, 1624, when the Virginia business was so prominently before Parliament. The petition

The humble petition of Jno. Bargrave esq⁷⁰ in the behalf of himself the absent planters in Virginia, and all other adventurours that shall adventure there estates under a government ruled by voyces where the governor being corrupt the greatest joynct stocks may by practice and faction and so dispose of the government as they may by the means of the instruments thereof monopolize the whole proffit that shall arise out of the said adventures into a few private handes.

Shewing, that whereas his Majestye hath been pleased to graunt unto the treasurer and company of Virginia divers letters pattents togeather with many gracious prevelidges and loveing instructions aswell for the good government of the said company as for the advancement of the plantation all which graunts being made to a treasurer his deputy five counsellours and 15 commonors they are tyed to make their lawes aswell by the said graunts as by the kings instructions according to the lawes of England, which incoragements stirring upp many to adventure their moneys your petitioner was induced by the noblenes of the action to undertake to be the first planter of a private colonye there. To which end he caused a pattent of free trade to be obteyned from the company under which he intended to plant: Now so it is that Sir Thomas Smyth late treasurer of the said company⁷¹ and others practicing with him to worke their owne ends, have contrary to his Majestis said pattent and royall instructions framed a tiranicall government to be imposed on his Majestis subjects in Virginia as by this booke printed by his directions may appeare,⁷² by means whereof many pore people in Virginia were deprived of their lives and goods and many were brought into condemnation and slavery: And whereas the sayd Sir Thomas Smyth did formerly mallice your said petitioner without any just cause,⁷³ your oratour now found himself his estate and those imployed (by means of private instructions given to the governor in Virginia) intrhalld by this tyrrany and thereby was made the anvill of the mallice and greedy desyres of the governours both here and there, for whereas by the said pattent all things that pass

is given this position in the present work because it is reasonably certain that the reply of Johnson and Smith, which follows, was made in November, 1621, and refers to a suit in chancery this same month. See note 83, *post*. The petition was therefore presented that same month, or before. Parliament was not in session from June 4 to Nov. 14. The *Journals* are silent on the matter.

⁷⁰ Capt. John Bargrave's connection with the Virginia Company is set forth in his petition. On Mar. 5, 1616/7 the company gave him fifteen shares for his earlier services (Brown, *First Republic*, p. 250). Transfers of shares by him to sundry persons are noted in Kingsbury, *Recs. Va. Co.*, I. 330, 341, 344, 372. On May 17, 1620, the Sandys administration granted him a patent for lands in Virginia (*ibid.*, p. 347). In February, 1620/1, he wrote a "learned treatise upon the government", signed "Ignotus", which was referred to a committee for perusal, at the court held on Feb. 22 (*ibid.*, p. 444). The dispute with Smith and others began in 1618 and continued for many years. For an account of the early stages of the controversy, see Brown, *First Republic*, pp. 446-448; and numerous references to it are also to be found in the index to Kingsbury, *op. cit.*

⁷¹ Sir Edwin Sandys succeeded Smith as treasurer April, 1619. Kingsbury, *Recs. Va. Co.*, I. 212.

⁷² *For the Colony in Virginea Brittania: Lawes Divine, Morall and Martiall* (London, 1612), reprinted by Force, *Coll. Hist. Tracts*, III. no. 2. Smith was frequently called upon to defend himself for the severity of these laws. Brown, *Genesis*, II. 528-530.

⁷³ In 1618 Smith sued him for £500, due the company. Brown, *First Republic*, p. 446; *id.*, *Genesis*, II. 824.

from the said pattentees are passed by most voyces in the name of the said comp[any] at the least 15 comoners and 5 counsellours whereof the treasurer or deputy being one are able to make any lawfull act, the said Sir Tho. Smyth, Alderman Johnson⁷⁴ and others in an answeare on their oathes equivocating uppon the word Company they make it threefould, the first being the company ordeyned by the king, the second a company of practize between three, 4 and 5 meeting in the treasurers chamber. This company being the ground of all the mischiefs that befell the plantation may aptly be tearmed his conclave. This second company begat a third to witt a company of faction by frameing a joynct stock tearmed the magazine⁷⁵ founded on a contract made with Sir Thomas Dale,⁷⁶ which joynt stock being tyed to set prizes, was at the first ordeyned but as a servant to the comp[any], and had not any power given her to doe any lawfull act, but she afterward being able to carry the most voyces, now of a servant (haveing the treasurer to frind) became the mistress of the company ordeined by the king, and so publique good was forced to serve private gane. By this means all the rights previledges and libertyes togeather with the goverment of the law is layd asside and had noe power to worke, all free trade is barred to any but the magazine. The planters goods after 9 or ten yeares service in this former slavery being taken from them, are sould and bought before their faces, and the prices contracted for with Sir Tho. Dale are sunck and raised at the will of this conclave, and whereas heretofore there was eight or ten staple comodities brought from Virginia nothing comes home now but tobacco and sassafrass⁷⁷ to fill Alderman Johnsons shopp,⁷⁸ and there goeing 8 or 10 shippes to Virginia in one yeare, all of them comes home empty except the magazine shipp,⁷⁹ by which meanes the very name of the plantation in

⁷⁴ Alderman Robert Johnson had been deputy treasurer and councillor of the Virginia Company. He was a director of the magazine (see next note), and in 1619 was defeated by Sandys for treasurer of the company. Later, he was governor of the Somers Islands Company. Scott, *Joint-Stock Companies*, II. 269, 270; Brown, *Genesis*, II. 932; and numerous items throughout Kingsbury, *Recs. Va. Co.*

⁷⁵ The Society of Particular Adventurers for Traffique, generally called the Old Magazine, or company's store. The undertaking was begun in 1616, and was controlled by a director and a committee of five. The total amount paid in was £7000; the divisions to February, 1623, amounted to £4000. Other magazines were organized to succeed this one. Kingsbury, *op. cit.*, I. 238, 282, II. 297, 315; Scott, *Joint-Stock Companies*, II. 256-257, 270, 287-290; Brown, *First Republic*, p. 235.

⁷⁶ Governor of the Virginia Company in 1611, and again in 1614-1616. Brown, *Genesis*, II. 869-874.

⁷⁷ On Nov. 17, 1619, Sir Edwin Sandys complained to the Virginia court that whereas three years before twelve commodities had been sent from the colony, since that time there had been little returned worth speaking of, save tobacco and sassafras (Kingsbury, *Recs. Va. Co.*, I. 266). There are numerous items referring to the sassafras trade of Virginia, in Brown, *First Republic*, and in his *Genesis*; see also Bruce, *Econ. Hist. Va.*, I. 235-236.

⁷⁸ Johnson was a grocer, was on the court of assistants of the Grocers' Company, and rentor and junior warden of the same company. Brown, *Genesis*, II. 932.

⁷⁹ The first magazine ship despatched to the colony was the *Susan*, which arrived in September or October, 1616. It was nearly two years before the *George*, the second ship, reached Virginia. Bargrave complained that his ship, the *Edwin*, which had arrived in Virginia in May, 1617, was detained until the following March when, on account of the non-arrival of any magazine ship, it was allowed to carry to England about four tons of tobacco, three-fifths of which belonged to the company. Mass. Hist. Soc., *Collections*, fourth ser., IX. 37; Brown, *First Republic*, pp. 235, 238, 253, 259.

Virginia was brought into detestation here. And the planters here groning under the oppression of their governours here, write over letters to nue patrons complayning of their wronges, and your petitioners free trade being bard and afterward by deteyning of his goods and the passengers that came home in his shippes as well at the first coming as afterwards when your petitioner had two shippes and 100 men in pay upon a second voyage, which shippes they desyring to stay that the magazine might take away the trade before your oratours shipp came to Virginia, the deteyning his goods being the means to doe it, your petitioner findeing himself so besett by them that he had noe way to escape them, but by putting himself to the company thinking that five counsellours and 15 comoners could hardly be found that would doe him so much wrong to his overthrow, he felt that this conclave consisting of two buyers and three sellers Alderman Johnson being the buyer and seller of a great part of your petitioners goods to himself, was the companye they intended whereby they deceived your petitioner to the vallue of 8000 *li*, stayed his shippes, putting them into a winters voyage were the death of the most of his men. The marinours sould his shippes in Virginia to pay themselves wages, and this your oratour and an other gentleman his partner had the voyage overthrowne which cost as it appears by their account neer upon 3600 *li* and this was donn in the name of the company. This their unjust dealings much greiving some of the noblest of the adventurers who seeking aswell to redress these wronges as to call Sir Thomas Smyth or his casheires to account for the moneys he hath received uppon adventures, lottaryes, and other meanes graunted by the king for the good of the said plantation. But by the sequence it appeares, they traduced him to his Majesty, and joyning with certaine sole importers of tobacco, under a couller of their being the onely husbands to the king they sought to make themselves or some of their frinds governours, thereby to keep the said plantation in slavery, and to smother there injurious dealings which governorship although they failed in it the company not induring them, yet the sole importation of tobacco being gained by the projectours they have banished the bringing home of Virginia tobacco, whereby the plantation is undone by them, that setting a price onely of tobacco and sassafrass made it alone to be planted there: All which wronges and injuryes afforesaid your petitioner hath thought fitt to make knowne to this honorable assemblye humbly desyring that the said Sir Thomas Smyth may declare wherefore he hath not ruled the said compa[ny] and colony in Virg[inia] according to his Majestis letters pattents and instructions, but by lawes directly contrary to the same. And further that he and his cashkepers may be forthwith compelled to pay into the now treasurer⁸⁰ so much money as they have any way received for the said company, and can shew noe true or justifiable account or discharge for the same. And likewise to consider how much the plantation hath been dishonored thereby; and lastly that he and his associates may make satisfaction to your petitioner of all such

⁸⁰ Sandys was treasurer from April, 1619, until June 23, 1620, when the Earl of Southampton was chosen without opposition. *Kingsbury. Recs. Va. Co.*, I. 384-385.

hindrances as he hath by their unjust practizes susteyned. And your petitioner will ever pray for your honours as the preservers of his estate.

JOHN BARGRAVE

Ordered to be mooved in the House. Send for to answer, Sir Tho. Smyth, Alderman Johnson, Wm Caning.⁸¹ (Public Record Office, C. O. 1: 3, no. 11.)⁸²

[Nov.]⁸³ HC. The humble aunsweare of Sir Thomas Smyth knight and Robert Johnson alderman unto the petition of John Bargrave exhibited in way of complaint to the honorable assemblye the knights and burgesses, comittees for greivances of the Lower House of Parliament.

In all humble manner letting pass all vaine and impertinent matter to the first point materiall that Sir Tho. Smyth hath framed a tiranically government imposed upon the people in Virginia etc.

Sir Thomas Smyth sayth that the comissions given by him as treasurer and the rest of his Majestis counsell for Virginia unto Sir Thomas Gates and other the governors sent to Virginia were never otherwise, but expreslye to rule and governe so neer as might be according to the lawes of England as by the said comissions ready to be shewed may appeare: But if any of these printed lawes and articles to which the said Bargrave referreth, may seem too seveare as uppon paine of death to be observed (howsover being rightly weighed they are justifiable by the lawes of England) yet they were not framed by Sir Thomas Smyth as most untrulye aleaged, but by those worthy governours in Virginia as the very title and printed preface to the book it selfe settis downe;⁸⁴ which lawes and articles Sir Thomas Smyth was so farr from frameing or makeing them as in his letters written to Captaine Martine,⁸⁵ one of the first plain-ters, and a speciall man at that tyme in Virginia, he signified his dislike of

⁸¹ William Canning, ironmonger, a member of the Virginia Company, whose controversy with Bargrave is referred to in Kingsbury, *op. cit.*, I. 259, 260. Canning was one of the committee of sixteen which had charge of most of the business management of the company. (*Ibid.*, p. 213; Brown, *First Republic*, p. 333.) His was one of the nine votes, of seventy, recorded in favor of surrendering the charter to the crown. *Ibid.*, p. 554; Kingsbury, *op. cit.*, II. 474.

⁸² Endorsed in modern hand: "Virginia, 1624, Apr. 22. See also Domestic, this date." A summary of the petition is printed in *Cal. St. P. Col.*, 1574-1660, p. 60.

⁸³ This document, like the petition to which it is a reply, is sometimes ascribed to April, 1624 (see note 69). Reference in the text to the date of the suit in chancery ("the 10th of this presente November 1621"), as well as the matter to which notes 88, 91, and 93 refer, not only makes the year 1624 impossible, but definitely fixes the date as November, 1621.

⁸⁴ The full descriptive title of the book, as given in the introduction, reads as follows: "Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginea: first established by Sir Thomas Gates Knight, Lieutenant Generall, the 24 of May 1610. Exemplified and approved by the Right Honourable Sir Thomas West Knight, Lord Lawair [De la Warr], Lord Governour and Captaine Generall the 12 of June 1610. Againe exemplified and enlarged by Sir Thomas Dale Knight, Marshall, and Deputie Governour, the 22 of June, 1611." Reprint in Force, *Tracts and Other Papers*, vol. III., no. 2, p. 9.

⁸⁵ Capt. John Martin, who first came to Virginia between 1606 and 1608. His patent, which he located at Martin's Brandon, granted him broad and special privileges, which, after a long controversy regarding them, were abridged. He was the only one to oppose the abandonment of the colony in June, 1610, and was one of the nine who, in October, 1623, voted to surrender the charter to the crown. Brown, *Genesis*, II. 943-944; *id.*, *First Republic*, pp. 127, 554.

the strictnes thereof, fearing it would discourage men from goeing to the plantation, yea, all the said governours, viz the Lord Lawarr⁸⁶ and Sir Thomas Dale diseased,⁸⁷ as also Sir Tho. Gates⁸⁸ and Captaine Argall⁸⁹ successively, now liveing and ready to witnes did see such a necessitye, that the said lawes should be made and published in some cases, *ad terrorem*, and in some to be truely executed, as without which the colony, consisting then of such deboyst⁹⁰ and irregular persons could not possibly continue: And it is a bould slander that Sir Thomas Smyth and other practizeing with him, did print the said book and practize those things for ther owne ends, first nothing being donne by him in the practize and execution thereof and secondly the printer yet liveing,⁹¹ can witnes, that he was directed to print it not by Sir Thomas Smyth alone but by sundry of his Majestis counsell for Virg[inia]:⁹² whereof many are very honourable LL and knights, now liveing and of this honourable House.

And the said Sir Thomas Smyth and Alderman Johnson doe joynctly say that to their knowledge the said Bargrave, had noe nomination in any pattent to make a private plantation nor never made any, much les the first as he untruely alleageth but they beleive that without comision from the companye he sent thither his deputies, a very disordered crew, that intruded there uppon the lands of other planters, and comitted outrage and rapine uppon the pore Indynes, as Captaine Martine then in Virginia now in London⁹³ under the testimony of his hand complayneth and is ready being called to justifie; Neither doe the said Sir Thomas Smyth nor Alderman Johnson beleive, nor know, nor is it by their meanes that he hath suffred those supposed damages, of one thousand pounds in

⁸⁶ Thomas West, third lord De la Warr, councillor for Virginia 1609, and appointed governor Feb. 28, 1610. He died while on his way to the colony, June 7, 1618. Brown, *Genesis*, II. 1048-1049.

⁸⁷ Dale died on Aug. 9, 1619. He was governor in 1611 and in 1614-1616.

⁸⁸ First governor of Virginia. In the records of the Virginia Company of Apr. 12, 1621, he is alluded to as then dead (Kingsbury, I. 451). But a letter from Carleton to Calvert, written from the Hague, Sept. 17, 1622, announces his death in Holland about that time (Brown, *First Republic*, p. 489). There is no reference to him after this date.

⁸⁹ Samuel Argall first came to Virginia in 1609. In 1613 he reduced the French settlements in Maine, St. Croix, and Nova Scotia, and on his return is said to have visited the Dutch settlement on the Hudson and to have compelled its governor to capitulate. In 1617 he was appointed deputy governor and admiral of Virginia. He was knighted in 1622, and died in 1626. An extended notice of his colonial career appears in Mass. Hist. Soc., *Collections*, fourth ser., IX. 13-48. See also Brown, *Genesis*, II. 815-816; *Dict. Nat. Biog.*, II. 78.

⁹⁰ Debauched.

⁹¹ The printer of the laws was Walter Burre, who published from 1597 to 1621, in November or December of which year he apparently died. His widow continued his business from 1622 to 1630. (*Transcript of Registers of the Company of Stationers of London*, V. lxxxvi.) Under date of Dec. 13, 1622, there is noted an assignment by his widow of her estate in Raleigh's *History of the World* (*ibid.*, IV. 49).

⁹² The book was entered at Stationers Hall, Dec. 13, 1611, by Sir Edward Cecil, who had been a councillor for Virginia. *Transcript of Registers of the Company of Stationers*, III. 214; Brown, *Genesis*, II. 528.

⁹³ Martin left Virginia on the *Supply*, in April, 1621; he returned in the summer of 1624, on the *Swan*, with Thomas Weston, via New England. Brown, *First Republic*, pp. 414, 609.

one voyage to Virginia, by reason of the 15th⁹⁴ and other articles executed there, but they say confidently, that if by Captaine Argall then governor in Virginia the said Bargrave was hindred in his designes, it was to eisey a punishment for such to be onely curbed and restrained of their evill courses whereof Captaine Argall now resident in London complayneth and is ready to justifie against Bargraves deputies and others that under couller of goeing to trade with the Indyans, did for their private lucre unfurnish the colonye of necessary provisions and furnish the Indyans with armes, or rob them of their corne, and also to approove that the afforesaid article, restrayning all men on paine of death without leave to take and carry shippes and vessells out of the river under pretence of trading, whereby many played the pyrats and took their courses to rob and spoyle, was very just and necessarye.

And they utterly denye, as falcely suggested by the said Bargrave and most impertinent that ever they joyned with the sole importers of tobacco or that they sought to deteyne the government, which by Sir Thomas Smyth was absolutely refused, and in open court denyed to be putt in election,⁹⁵ neither did they banish the bringing home of Virginia tobacco, that being donne by those that succeded after he had left the government,⁹⁶ which if it be a just ymputation, it resteth upon them.

And they doe further say and thereof doe humbly desyre this honorable comittee to be infourmed that this Bargrave being at presente 500 *li.* indebted, by his bond long forfeited to the Virginia adventurours for tobacco bought of them; this bond was put in sute by Sir Thomas Smyth, Sir John Wolstenholm,⁹⁷ and Alderman Johnson to whome it was made, by order from the said adventurers Bargrave remooved the cause into chancerye with a wayling⁹⁸ bill against those three and others. Now forasmuch as in the sayd bill he lyeth downe the staying of his shipp, deteyning of his goods, combination of Alderman Johnson and others to defeat him of another bargaine, with all the rest materiall conteyned in his petition to this honourable comittee, under couller of which unjust complaint he detaines the cause in chancery, and keeps the 500 *li.* in his handes, many witnesses are examined uppon oath of both sydes the cause being ready for tryall, diverse dayes in sundry tearmes have been appointed but by his motion and suggestions putt off, and now a finall day being sett the

⁹⁴ This article of the laws reads: "No man of what condition soever shall barter, trucke, or trade with the Indians, except he be thereunto appointed by lawful authority, upon paine of death." Reprint in Force, *Tracts*, vol. III., no. 2, p. 13.

⁹⁵ On Apr. 28, 1619, Smith declined to stand as a candidate for treasurer of the Virginia Company. Kingsbury, *Recs. Va. Co.*, I. 212.

⁹⁶ The monopoly system, granting to individuals the sole privilege of importing tobacco, was inaugurated about 1615 (Beer, *Origins*, p. 117). Bargrave claimed that in 1618 the king had offered the monopoly for £5000 (*Va. Mag. Hist.*, VI. 227). In 1620 Sir Thomas Roe and his associates paid £16,000 for the privilege (Beer, *op. cit.*, p. 118). Smith retired as treasurer of the Virginia Company in April, 1619.

⁹⁷ Sir John Wolstenholme was a merchant adventurer, interested in the commercial and colonization enterprises of his time. He was councillor for the Virginia Company in 1609, was active in its management, and in 1624 was a member of the commission for closing its affairs. *Dict. Nat. Biog.*, LXII. 344; Brown, *Genesis*, II. 1057-1058; index to Kingsbury, *Recs. Va. Co.*

⁹⁸ Complaining.

10th of this presente November 1621 our counsell feed and all things ready for hearing the said Bargrave minding nothing less, eirnestly mooved and obteyned a nue day in the next tearme, under couller of further examining a witness already sworne and examined. Which course in chauncery being of his own choosing if himself will now declyne by this his appeale, then they humblye pray that he may be injoynd first to dismis his bill in chauncerye and to pay them such charges and moneyes as he hath so unjustly deteyned and caused them to spend in following his dilatory course, and they shalbe willing to submitt themselves in any thing that this honorable comittee shall think fitting. But if he shall so refuse, then the sayd Sir Thomas Smyth and Alderman Johnson doe further certifie this honorable comittee that notwithstanding there many yeares paynes for the good of Virginia their owne disboursments and great ingagements even to this day in the greatest dissasters of that plantation many yeares before Bargraves name was knowne in that worke, as is ready to be witnessed by many against him, and those, by whome he is animated to this complaint, and notwithstanding they never wronged the said Bargrave by the least word or deed, yet he ceaseth not in all places and by all devises of tongue and pen to pursue them in such reproachfull tearmes and manner as is intollerable for instance, charging Sir Thomas Smyth with untrue and unjustifiable accoumpts and his goverment to be odious, the account apering by auditours to be 500 *li.* indebted to him, and not he to it, and his painfull goverment comended and rewarded with shares of land in a great court and generally approoved of all.⁹⁹

And chargeing the sayd Alderman Johnson with indirect dealing and in plane tearmes as may be shewed under his owne hand with coosenage, which abuse of his malitious tongue sounded so lowde and wide as by some means it came to his Majestis sacred eares, for which his Majesty not long since was pleased to call the said Alderman Johnson to his presence, relating to him verbatim the perticulers, and required his answer in writing, which within few dayes he brought and delivered to his Majestye under the testimonye of a generall assembye of the adventurers which so fully cleared him in every perticuler that his Majesty perusing the same and seing him so abused, uppon his humble petition caused a reference to the now attorney generall¹⁰⁰ for the examining the said Bargrave and one Melling¹⁰¹ his associate and to determine of some course in Starr Chamber to punish their scandalous tongues, which course hath been yet forborne with patience, expecting their amendment whereof in this Bargrave they see noe hope at all, but still in open court, in Paules,¹⁰² in the streets and in all places without cause, using vile and scandalous speeches and behaviour against them.

⁹⁹ The Virginia Company, in session Apr. 28, 1619, voted Smith twenty shares for his services covering a period of twelve years. *Id.*, I. 213-214.

¹⁰⁰ Sir Thomas Coventry, from 1620 to 1625.

¹⁰¹ Thomas Melling was auditor for the old magazine, and otherwise active in the affairs of the company. There are numerous references to him in Kingsbury, *op. cit.*

¹⁰² Paul's Cross, situated in the churchyard of old St. Paul's; originally the place of assembling the folkmote, and later a general rendezvous.

And therefore they pray this honorable committee to determine some way for correcting this course and easing this their greivance which may be any mans case to be so abused if he be suffred without punishment. (P. R. O., C. O. 1: 3, no. 12.)¹⁰³

Nov. 20, HC. Mr. Glanvyle moveth, to speed the bill of fishing upon [the] coasts of America; the rather, because Sir Fer. Gorge hath executed a patent sithence the recess.¹⁰⁴ Hath, by letters from the Lords of the Council, stayed the ships ready to go forth.¹⁰⁵

Mr. Neale, accordant. That Sir Ferd.¹⁰⁶ hath besides threatened to send out ships, to beat them off from their free fishing; and restraineth the ships, *ut supra*. Moveth the House to take consideration hereof.

Sir W. Heale: That this true; but my Lord Treasurer¹⁰⁷ hath given order, that the ships shall go forth presently, without stay.

Sir Edw. Coke: That the patent may be brought in. And

Sir Tho. Wentworth: That the party may be sent for.

Ordered, the patent shall be brought in to the committee for grievances, upon Friday next; and Sir Jo. Bowcer,¹⁰⁸ and Sir Ferdinando his son,¹⁰⁹ to be sent for, to be then there, if he be in town, Sir Fer. himself being captain of Portesmouth,¹¹⁰ etc. (C. J., I. 640-641.)

Nov. 23, HC. Munday in the afternoon at the committee for grevances, for Sir Jo: Bowser to attend with the patent for fishing in new England. (Add. MSS. 34121, f. 125.)

¹⁰³ Endorsed, "Sir Thomas Smyths and alderman Johnsonns answere to the petition of John Bargrave"; and, in modern hand, "1624 Apr. 22 Virginia". This paper is printed in the *Va. Mag. Hist.*, VI. 379-381; a summary of it is given in Brown, *First Republic*, pp. 446-447, and in *Cal. St. P. Col.*, 1574-1660, p. 60. In April, 1622, Bargrave petitioned the Privy Council for relief, and again on July 16. (*Cal. St. P. Col.*, 1574-1660, p. 28; *Va. Mag. Hist.*, VI. 225-228; *Acts P. C. Col.*, I. 53-54.) On June 17, 1622, the king told the Council to dismiss the suit, as "it is pursued only for molestation, the cause having been already decided against Bargrave by the Lord Keeper" (*Cal. St. P. Dom.*, 1619-1623, p. 407). Nov. 26 the matter was examined in Council, which, on Jan. 20, 1623, ordered that Bargrave "should forbear from troubling any farther his Majestie or the Boarde with this cause". *Acts P. C. Col.*, I., 56-57.

¹⁰⁴ On June 4 Parliament adjourned to Nov. 14. On June 1 the council for New England issued to John Peirce a patent through which the Pilgrims obtained a legal right to make a settlement in New England. (Bradford, *Hist. Plymouth Plantation*, ed. Ford, I. 234 n., 306 n.; Winsor, *Narr. and Crit. Hist.*, III. 275, 299, 301.) This patent, which is in the collection of the Pilgrim Society, Plymouth, Mass., is printed in *Mass. Hist. Soc., Collections*, fourth ser., II. 156; in the Ford edition of Bradford, *op. cit.*, I. 246-251; and in *Doc. Hist. Me.*, VII. 45-53.

¹⁰⁵ On Sept. 28 the Privy Council, in a letter addressed to the mayors of certain seaport towns, merchants, and owners of ships, forbade, under threat of punishment, trade with New England, to the prejudice of that plantation and without respect to the government or orders established for the public good. *Acts P. C. Col.*, I. 46-47; *Documents relative to the Colonial History of the State of New York*, III. 5.

¹⁰⁶ Gorges.

¹⁰⁷ Sir Lionel Cranfield.

¹⁰⁸ Bouchier. See p. 37, note 52.

¹⁰⁹ Gorges had two sons, John and Robert. The reference is probably to the latter, who at this time was engaged in military duties on the Continent. The following year he obtained a grant from the council for New England. See note 117, *post*.

¹¹⁰ Gorges was for many years governor of Plymouth, Eng., though his duties did not confine him there. Baxter, *Sir Ferdinando Gorges* (Prince Society, Publications), I. 57, 59, 74, 89, 95.

[Nov. 23–Dec. 17, 1621; Feb. 27–Mar. 15, 1623/4],¹¹¹ HC. (In committee of the whole House). *Sir F. Gorges*: The whole House being dissolved into a committee, Sir Edward Cook, being in the chaire, I was called for to the barre, where after some space it pleased him to tell me that the House understood that there was a patent granted to me, and diverse other noble persons therein nominated for the establishing of a colony in New England, this (as is [it] seemes) was a grievance of the commonwealth, and so complained of in respect of many particulars therein contained contrary to the lawes and priviledges of the subjects, as also that it was a monopoly, and the colour of planting a colony put upon it for particular ends, and private gaine, which the House was to looke unto and to minister justice to all parties, assuring me further that I should receive nothing but justice, and that the House would do no wrong to any, that I was a gentleman of honour and worth, but the publike was to be respected before all particulars, but before they could descend to other matters in the businesse, the patent was to be brought into the House, therefore he required the delivery of it.

To this generall charge and speciall command I humbly replied, that for my owne part, I was but a particular person, and inferior to many, to whom the patent was granted, having no power to deliver it, without their assents, neither in truth was it in my custody, but being demanded who had it, I answered that it remained still (for ought I knew) in the crowne office, where it was left since the last Parliament,¹¹² for that it

¹¹¹ The dates referred to in this account given by Gorges of his appearances before the Commons are uncertain. The *Briefe Narration* was written many years after the occurrence of the events spoken of and, as Baxter says in his edition (p. 15), "there are obscurities and errors to be frequently found in it". In approximating the dates the following facts should be borne in mind. Gorges petitioned for his charter March 3, 1619/20 (*Docs. relative to Col. Hist. N. Y.*, III. 2-4). The Virginia Company objected to the monopoly of fishing asked for, but the patent with this provision retained passed the seals Nov. 3, 1620. Further protest delayed its delivery until June 18, 1621 (*Acts P. C. Col.*, I. 40-41). In his *Briefe Narration* (p. 34), Gorges says: "I was plainly told, that howsoever I had sped before the Lords [Privy Council], I should heare more of it the next Parliament, assuring me that they would have 300 voices more than I, whereupon I replied, if justice could be overthrown by voices, it should not grieve me to loose what I had so honestly gotten; the next Parliament was no sooner assembled, but I found it too true wherewith I was formerly threatened . . ." The reports above, from Add. MSS. 34121, make mention of Gorges's speaking before the committee on the bill for free fishing between May 2 and May 24. On June 4 Parliament adjourned until Nov. 14. On Nov. 20 Gorges was ordered to attend with his patent on the following Friday. References to the matter are made in the entries of Nov. 24, 29, and Dec. 18; and on Dec. 19, the last day of Parliament, Gorges was ordered to appear with his patent, "on the first day of the next access". The next Parliament met on Feb. 19, 1623/4. Four days later a committee of the whole House for grievances (to whom this matter was referred) was ordered to meet every Friday and Monday (*C. J.*, I. 671-672). The report on the patent was made on Mar. 17 following, and the patent was presented to the king as a grievance on May 28. Some of this account, therefore (*e. g.*, the reference made to his son Robert), should properly be entered under the proceedings of the Parliament of 1623/4, but to preserve its continuity it is not separated. Compare with this account of the controversy Charles Deane in Winsor's *Narr. and Crit. Hist.*, III. 295-310. For the action of the Virginia Company against the patent, see Kingsbury, *Recs. Va. Co.*, I. 277, 321, 329, 397, 410, 416, 428.

¹¹² Meaning the recess of June 4–Nov. 14. The Privy Council, on June 18, ordered that the patent, with certain modifications, be delivered to Gorges; also, that the patent be renewed, the Southern Company to see it before it was engrossed. (*Acts P. C. Col.*, I. 41; *Docs. relative to Col. Hist. N. Y.*, III. 4.) Deane (*Winsor's Narr.*

was resolved to be renewed for the amendment of some faults contained therein, from whence if it pleased the House, they might command it, and dispose thereof as their wisdoms thought it good. But to the generall charge I know not (under favour) how any action of that kind could be a grievance to the publique, seeing at first it was undertaken for the advancement of religion, the enlargement of the bounds of our nation, the increase of trade, and the imployment of many thousands of all sorts of people.

That I conceived it could not be esteemed a monopoly, though it is true at the first discovery of the coast few were interested in the charge thereof, for many could not be drawn to adventure in actions of that kind where they were assured of losse, and small hopes of gain.

And indeed so many adventures had been made, and so many losses sustained and received, that all or the most part that tasted thereof grew weary, till now it is found by our constant perseverance therein, that some profit by a course of fishing, upon that coast, may be made extraordinary, which was never intended to be converted to private uses by any grant obtained by us from his Majesty, as by the severall offers made to all the maritime cities and townes in the westerne parts, that pleased to partake of the liberties, and immunities granted to us by his Majesty,¹¹⁸ which was desired principally for our warrant to regulate those affaires, the better to settle the publique plantation by the profits to be raised by such as sought the benefit thereof, being no more in effect then [than] many private gentlemen, and lords of mannors within our owne countries injoyed at this present, and that both agreeable to the laws and justice of our nation without offence to the subjects liberties; but for my particular, I was glad of the present occasion that had so happily called them together from all parts of the kingdome, to whom I was humbly bold in the behalfe of myselfe and the rest of those intrusted in the patent to make present proffer thereof to the House for the generall estate of the whole kingdome, so they would prosecute the settling the plantation, as from the first was intended, wherein we would be their humble servants in all that lay in our power, without looking back to the great charge that had been expended in the discovery, and seizure of the coast, and bringing it to the passe it was come unto. That what was more to be said to the patent for the present, I humbly prayed I might receive in particular, to the end I might be the better furnished to give them answer thereunto by my counsell, at such time they pleased to heare me againe, being confident, I should not onely have their approbation in the further prosecuting so well grounded a designe, but their furtherance also, howsoever I was willing to submit the whole to their honourable censures, hereupon it was ordered, that the patent should be looked into by a committee assigned for that purpose, and the exceptions taken against it delivered to

and Crit. Hist., III. 299) says the intention probably was that a new patent should be drawn, and that the delivery of the existing parchment was provisional only.

¹¹⁸ The council for New England agreed, May 31, 1622, that such merchants "of the westerne parts as are capable of the fishing trade" should be admitted as patentees. Deane, *Records of the Council for New England* (reprinted from American Anti-quarian Society, *Proceedings*, April, 1867), pp. 11-12.

me, that had a prefixed day to attend them againe with my counsell at law to answer to those their objections.

The time assigned being come, and I not receiving their objections (as by the House it was ordered) I attended without my counsell, in that I wanted upon which to build my instructions for preparing them as in duty I ought, but being called I humbly told them, that in obedience to their commands, I attended to receive the Houses objections against the patent of New-England, but it was not yet come to my hands, where the fault was I knew not, and therefore I besought them to assigne me a new day, and to order I might have it delivered to me as was intended, or otherwise if they so pleased, I was ready without my counsell to answer what could be objected, doubting, they might conceive, I sought by delays to put off the businesse: to this it was answered by Sir Edward Cooke, that I had gained great favour of the House to receive the particulars in writing, by which I was able to plead my own cause (though as yet I had it not) but I acknowledged the greatnesse of their favours, and attended their further commands, according to the time assigned.

Having received the Houses exceptions against the patent, I drew up my full answers to every particular, and entertained for my counsell Mr. Finch of Grayes Inne (since that the Lord Finch)¹¹⁴ and Mr. Caltrup, afterwards Attorney Generall of the court of wards;¹¹⁵ To these I delivered my instructions, assigning them to proceed accordingly, but, as in great causes before great states, where the court seemes to be a party, counsell oftentimes is shy of wading farther than with their safety they may returne; however, both did so well, the one for the matter of justice, the other for the matter of law, as in common judgement the objections were fully answered, and they seeming to be at a stand; the House demanded of me what I had more to say my selfe, I being sensible wherein my counsell came short of my intentions, besought the House to take into their grave considerations, that the most part of the fisher-men spoken of, had in obedience to his Majesties royall grant, conformed themselves thereunto, and I hoped that they were but particular persons that opposed themselves against it, but admit all of them had joyned together, (yet had that belonged rather to the counsell for those affaires) to have complained of them for the many injuries and outrages done by them, that the counsell of their owne charge and cost, had first discovered that goodly coast, and found that hopefull meanes to settle a flourishing plantation for the good of this kingdom in generall, as well great lords as knights, esquires, gentlemen, merchants, fisher-men, trades-men, husbandmen, labourers, and the like, and that both to honour and profit, that the enlargement of the kings dominions, with the advancement of religion in those desert parts, are matters of highest consequence, and far exceeding a simple and disorderly course of fishing, which would soone be given over, for that so goodly a coast could not be long left unpeopled by the French, Spanish, or Dutch, so that if the plantation be destroyed, the fishing is lost, and then the profit and honour of our nation must perish

¹¹⁴ John Finch, created baron in 1640, Speaker of the House of Commons 1628.

¹¹⁵ Sir Henry Calthorpe, attorney of court of wards 1636.

(in all opinion) both to present and future ages, which these men principally ayimed at, that the mischief already sustained by those disorderly persons,¹¹⁶ are inhumane and intollerable; for first in their manners and behaviour they are worse than the very savages, impudently and openly lying with their women, teaching their men to drinke drunke, to sweare and blaspheme the name of God, and in their drunken humour to fall together by the eares, thereby giving them occasion to seek revenge; besides, they couzen and abuse the savages in trading and trafficking, selling them salt covered with butter in stead of so much butter, and the like couzenages and deceipts, both to bring the planters and all our nation into contempt and disgrace, thereby to give the easier passage to those people that dealt more righteously with them; that they sell unto the savages, musquets, fowling-pieces, powder, shot, swords, arrow-heads, and other armes, wherewith the savages slew many of those fisher-men, and are growne so able, and so apt, as they become most dangerous to the planters: and I concluded,

That in this particular I had beene drawne out of my zeale to my countryes happinesse, to engage my estate so deeply as I had done, and having but two sonnes, I adventured the life of one of them (who is there at this present¹¹⁷ for the better advancement thereof, with others of his kinsmen of his owne name with many other private friends) which so neerly concerned me, that if I did expresse more passion than ordinary in the delivery thereof, I hoped the House would be pleased to pardon me, affirming, that if I should do lesse, I might appeare willing to suffer them to perish by my negligence, connivence, improvidence, or ungratefulness, to the dishonour of my nation, and burden of my owne conscience, but these things being considered, I presume the honourable assembly will do what in all respects shall be both just and lawfull, and that in confidence thereof, I wil cease to be further troublesome.¹¹⁸

Being perswaded in my owne understanding, as well as in the judgement of those that accompanied me I had sufficiently satisfied the most part of the House, the rather for that they forbad the lawyers to speake any more, after I began to deliver what I had to say for my selfe, with

¹¹⁶ Complaints against the conduct of Thomas Weston, Thomas Morton, and their companions, who, in 1622, attempted to establish trading-posts in this country. See C. F. Adams, *Three Episodes of Mass. Hist.*, I. 54-68; Bradford, *Plymouth Plantation* (ed. Ford), I. 333 n.; and the Introduction by C. F. Adams to his edition of Morton's *New English Canaan* (Prince Society, *Publications*), p. 21.

¹¹⁷ Robert Gorges obtained, on Dec. 30, 1622, a patent from the council for New England of a strip of land called "Messachustack", extending along the seacoast ten miles and inland thirty miles, with all the islands, not previously granted, which lay within three miles of the shore. In September, 1623, he came to Weymouth, or Wessagusset, where Weston had previously attempted an establishment. This was the first settlement in Massachusetts Bay and the second in Massachusetts. C. F. Adams, in *Mass. Hist. Soc., Proceedings*, XVI. 195-197; C. F. Adams and Gilbert Nash, in *Weymouth Historical Society*, III. 5-113; Bradford, *Plymouth Plantation* (ed. Ford), I. 327 n.

¹¹⁸ Baxter states that Coke's reply to this argument was: "Shall none visit the sea-coast for fishing? This is to make a monopoly upon the seas, which were wont to be free. If you alone are to pack and dry fish, you attempt a monopoly of the wind and sun." Baxter, *Sir Ferdinando Gorges* (Prince Society, *Publications*), II. 43 n. Practically the same quotation is given in Prowse, *History of Newfoundland*, p. 121. Cf. Coke's remarks in the debate of May 3, 1624, on the bill for free fishing, p. 69, *post*.

this hope I departed attending the successe, but understanding (from those that were favourers and parties with me) that my opposites held their resolutions to make it a publique grievance, and for such, to present it to his Majesty. . . . (Sir Ferdinando Gorges, *Briefe Narration* . . . of *New England*, pp. 35-43.)¹¹⁹

Nov. 24, HC. *Mr. Neale* moveth again, concerning . . . restraint of fishing upon the coasts of . . . it may be brought in at the next . . . for grievances; and that the committee may . . .

Ordered, the patent, or, in default thereof, . . . shall be considered of by the said committee . . . in the afternoon. *Sir Jo. Barr* . . . attend the said committee at that time. (*C. J.*, I. 644.)¹²⁰

Nov. 27, HC. *Mr. Solicitor*:¹²¹ . . . That the King of Spayne equivocateth with us. Fair words, ill deeds. To strike at the root: to send ships abroad, to take away his West India treasure . . . (*Ibid.*, p. 648.)

Nov. 27, HL. The prisoners which counterfeyted my L. Staffordes hande and seale brought to the barre, viz.: Thomas Warynges, John Blount, Mathias Peare . . . John Blount confessed one and noe more. . . .

L. President:¹²² That Blount be bannished into Virginia, for he was thought a dangerous man when he was in the Starr-Chamber.

Cambridge: That Blount had his eares cutt in the Starre Chamber for forgery, and yett endeavors that agayne. Moved, to be prevented by bannishment.¹²³ . . . (*Notes of the Debates in the House of Lords officially taken by Henry Elsing, Clerk of the Parliaments, A. D. 1621*, pp. 94-95.)¹²⁴

Nov. 29, HC. *Sir Edw. Coke*: That, besides the patents of the grievances, damned here, divers others complained of here: wherein desired to know the pleasure of the House . . .

Mr. Neale desireth, the patent, restraining fishing, may be heard tomorrow . . .

The committee for general grievances, to sit tomorrow . . . (*C. J.*, I. 651.)

Dec. 1, HC. *L. 3a*. An act for the freer liberty of fishing, and fishing voyages, to be made and performed in the sea-coasts and places of Newfound-land, Virginia, New England, and other the sea-coasts and parts of America.

Mr. Guy: That this bill taketh away trade of fishing from those, which are inhabitants in Newfound-land. Tendereth a proviso, in parchment; which twice read.

Mr. Neale, against this proviso. That the choice of the first place in every harbour, which desired by it, restraineth all liberty of free fishing.

¹¹⁹ Reprinted in Baxter, *Sir Ferdinando Gorges* (Prince Society, *Publications*), II. The *Briefe Narration* was first printed in London in 1658.

¹²⁰ The gaps are in the *Journals*.

¹²¹ Sir Robert Heath, in debate on matters to be considered before close of session.

¹²² John Williams, bishop of Lincoln.

¹²³ He was sentenced to life imprisonment in Bridewell. *L. J.*, III. 172.

¹²⁴ Camden Society, *Publications*, 1870 (ed. Gardiner), no. 103.

13 Eliz. a statute, to encourage them:¹²⁶ another 23 Eliz.¹²⁶ Another 1 Jac. for fishermen here.¹²⁷ That they may take the first place now, if can get it; but the thing desired, is a choice place in every harbour; and not only for themselves, but for their company.

Mr. Secretary, contra. That plantations fit to be cherished, which overthrown by this bill, without the proviso. That this bill giveth priority of the stage to those, that come; and may put out those, which plant and inhabit there. Doubteth, without this proviso, the bill will never pass the royal assent.

Dr. Gooch, against the bill; because that against the plantation.

Sir Edw. Gyles: To consider, whether the fishing, or plantation, most beneficial to the commonwealth.

Mr. Guy: But three real plantations in Newfound-land:¹²⁸ never will be above twenty, or thirty: room there for 500 ships to fish. That the plantation of the Newfound-land never had penny help, but from the adventurers purses, nor ever had any lotteries.

Mr. Sherwell, against the proviso: So *Mr. Glanvyle*. The trade of fishing to be regarded before the plantation. We in possession of the fishing. 120,000 *l.* per annum brought in by the fishing; nothing but victual carried out. That the precedence, here required, may make a monopoly: for they may take in so many into their company; and so, [by] this proviso, shall have the priority of places, that the rest will be, in effect, debarred.

Upon question, the proviso rejected.

The bill, upon question, passed. (*Ibid.*, p. 654.)

Dec. 1, HC. Bill for fre fishing passed for a law. *Mr. Gwyes* proviso, after dispute, rejected. The secretary spake for it, doubtinge it would never have the royall assent without it. (Add. MSS. 34121, f. 132.)

Dec. 13, HL. *Hodie 2a vice lecta est billa.* An act concerning tobacco. And committed unto the L. Treasurer,¹²⁹ E. Marshal,¹³⁰ L. Chamberlain,¹³¹ E. of Rutland, E. of Cambridge, L. Bp. of Durham,¹³² L. Bp. of Worcester,¹³³ L. Bp. of Covent. *et L.*,¹³⁴ L. Bp. of Bath and Well,¹³⁵ L. Bp. of Bangor,¹³⁶ L. Sheffeld, L. Pagett, L. Wallden, L. Russell, L. Danvers, L. Spencer, L. Carewe, L. Digbye, L. Brooke, L. Mountague. Lord Chief Baron,¹³⁷ Mr. Baron Bromley, Mr. Serjeant Crewe, Mr. Attorney General,¹³⁸ to attend the Lords.

¹²⁵ C. 11, an act for the maintenance of navigation, permitting importation and exportation of fish by subjects, free of customs. *Statutes*, IV. 673.

¹²⁶ See p. 3.

¹²⁷ C. 23, an act for the better preservation of fishing in Somerset, Devon, and Cornwall. *Statutes*, IV. 1048.

¹²⁸ Prowse contends that no less than six colonies existed in Newfoundland during the reign of James I. *History of Newfoundland*, p. 110.

¹²⁹ Lionel, Lord Cranfield, formerly master of the wards.

¹³⁰ Thomas Howard, second earl of Arundel and Surrey.

¹³¹ William Herbert, third earl of Pembroke.

¹³² Richard Neile, or Neale.

¹³³ John Thornborough.

¹³⁴ Thomas Moreton, of Coventry and Lichfield.

¹³⁵ Arthur Lake.

¹³⁶ Lewis Bayley.

¹³⁷ Sir Laurence Tanfield.

¹³⁸ Sir Thomas Coventry.

To meet on Saturday, the 15th of this December, at two in the afternoon, in the Painted Chamber. (*L. J.*, III. 193-194.)

Dec. 18, HC. *Sir Nath Rich* and *Mr. Glanvyle* move, that . . . report may be made of the grievances handled yesterday, concerning the staplers, brewers, glass patent, and patent restraining fishing in Newfoundland: and ordered accordingly. (*C. J.*, I. 668.)

Dec. 19, HC. *Mr. Glanvyle* moveth concerning the patent for fishing . . .

Sir Ferdinando Gorge and Sir Jo: Bowcer, the patentees for fishing in and about New England, to be warned to appear here the first day of the next access; and to bring then their patent, or a copy thereof. (*Ibid.*, pp. 668-669.)

¹⁵⁹ The proceedings of this day are incompletely given in the *Journals*, as the page of the original on which was written the protestation of the Commons against the curtailment of their rights except by the House itself was, on Dec. 30 following, torn out by the king himself in the presence of the Privy Council. Concerning this patent of fishing, the Treasurer was requested by the Commons to influence the king to suspend it (*Cal. St. P. Dom.*, 1619-1623, p. 323). "It is desyred by the howse of Comons that Mr. Treasurer . . . move his Ma'tie for enlardging the trade of fishing uppon the Coastes of New England restreyned by a patent graunted to Sir Ferdinando Gorge and others. . . . Jo: Wingfield." *State Papers, Dom.*, James I., vol. cxxiv., no. 58.

JAMES I.: FOURTH PARLIAMENT.

Session of February 19, 1623/4-May 29, 1624 (21-22 Jac. I.).

1623/4.

Feb. 24, HC. Mr. Neale delivereth in the bill for free liberty of fishing upon the coasts of America. (*C. J.*, I. 673.)¹

Feb. 25, HC. *L. 1a.* An act for the freer liberty of fishing, and fishing voyages, to be made and performed on the sea-coasts and places of Newfoundland, Virginia, New England, and other the sea-coasts and parts of America.² (*Ibid.*, pp. 673, 718.)

Feb. 25, HC. An act for fishing uppon the coasts of America and new-found Land uppon which it was shewed that 5 shippes of Plimouth and one of Dartford were then under the arrest about it by warrant from the admiralls court. Suite was made to staye the proceedings and to examine Sir Edmunde³ Gorge his pattent in that behalfe. (*Harl. MSS.* 159, f. 60.)⁴

Feb. 25, HC. *Mr. Neale:* Five ships of Plymouth under arrest, and two of Dartmouth, because they went to fish in New England. This done by warrant from the Admiralty. To have these suits stayed, till this bill have had his passage. This done by Sir Ferdinando Gorge his patent.

Ordered, this patent shall be brought in to the committee of grievances, upon Friday next. (*C. J.*, I. 673.)⁵

Feb. 27, HC. The committee on friday the 27 of feb. for greivances in the house. Sir Ed. Cooke had the chayre.

*Mr. Neale*⁶ mooved concerning a compl[ain]t formerly made by him against the pattent of Sir Ferdinando Gorge for the newfoundland by vertue whereof diverse of the ships in the west were under arrest uppon pretence of contravening that pattent for fishing and coming uppon the coast of new England: hee mooves that the pattent may bee sent for; and accordingly the clarke of the crown is commanded to bring itt in. . . .

Dr. Gooch maintains the pattent of Sir Ferd. Gorge for that itt is profitable to the common wealth and that every subject may have free part in the adventure eyther for little or much, and that the duke⁷ and many greate ones are interested in itt as much as Sir Ferdinando.

¹ Also p. 717. There are two reports of this session in the *Journals* (pp. 670-715 and 715-798), the second by the clerk's son.

² This bill had been considered during the last session. It again passed the Commons, but the *Lords Journals* show no action in that House.

³ Ferdinando.

⁴ A Journal of this Parliament, credited to Sir Simonds D'Ewes. *Cat. Harl. MSS.*, I. 49.

⁵ The same on p. 718, excepting that the number of ships from Dartmouth is there given as one.

⁶ William Nyell, M. P. for Clifton Dartmouth; the name is usually printed "Neale" in the *Journals*.

⁷ Of Buckingham.

Mr. Glanville answers that the duke was by false information gotten to itt, to grace itt, that itt is true any may come in but beeing in must bee regulated by the company and gett out how hee can.

Sir Edward Cooke sayth itt is noe more scandall to the duke then to the king whose greate seale is to itt: and yett in case of a publique greivance itt must bee questioned.

Sir Ferdinando Gorge was sent for and commanded to bring in the pattennt: hee desires time and counsell to bee allowed him and a coppie of the objections. All is granted to him. A select companie [committee?] is appointed to gather all the passages of greivances in that pattennt contrarie to lawe, and what have beene in matter of fact. (MS. of J. H. Gurney, p. 39.)⁸

Mar. 1, HC. Sir Edw. Seimour: Five ships now going to the Indies, wherein 1000 mariners, 800 barrels of powder. To have the House take notice of this. All the shipping of the west country at Newfound-land, a fishing.

Mr. Abbot: True, four ships prepared for the Indies: intelligence from thence, eight galeons, and two carracks, made ready for those parts: a ship or two at home, of 800 tun a-piece. If these ships stayed, a great prejudice [to] the kingdom. (*C. J.*, I. 723.)⁹

Mar. 15, HC. L. 2a. An act for the freer liberty of fishing, and fishing voyages, to be made and performed in the sea-coasts and places of Newfoundland, Virginia, New England; and other the sea-coasts and parts of America: Committed to Sir Edw. Coke, Mr. Wandesford, Mr. Brooke, Sir Tho. Middleton, Mr. Sherfeild, Mr. Bateman, Sir Geor. Chudleighe, Mr. Ducke, Mr. Attorney Wards,¹⁰ Mr. Lenthall, Mr. Cooke, Mr. Farrar, Mr. Whyteaway, Mr. Mynn, Mr. Sherwyll, Mr. Neale, Sir A. Ingram, all the burgesses of the sea-ports, Sir Edw. Pitt, Sir B. Hicks, Sir P. Mutton, Sir Jo. Strangwayes, Sir Edw. Gyles, Sir Tho. Hobby, Sir G. Horsey: Wednesday, two clock, Court of Wards. (*Ibid.*, p. 686.)¹¹

Mar. 15, HC. (The committee of greivances.) The New England patent. Counsell heard to justifie it. They alleged, that the patentees did not deny any to fish, but onely to enter upon their freeholds, and to take their timber. They offered that if any clauses were inconvenient to the common-wealth they would bee content to have it left out. They alleged that this was a conquest, and that the king might establish what lawes he pleased.

The answers to the exceptions.

1. Foynes, Sherwell,¹² etc. had never any graunt of, etc.

⁸ MS. designated as no. XIII. in the Hist. MSS. Commission's report on the MSS. of J. H. Gurney, Esq., of Keswick Hall, Norfolk. *Twelfth Rept.*, App. IX., p. 123; no. 78 in Cox Macro's catalogue.

⁹ The account on p. 676 makes no mention of Newfoundland and refers to the East Indies.

¹⁰ Sir Walter Pye, since 1621.

¹¹ Farrar and Whiteway do not appear on the committee in entry on p. 737.

¹² There was a Nicholas Sherwill, one of three Plymouth merchants, who in 1622 received a grant from David Thompson, an associate of Gorges. Mass. Hist. Soc., *Proceedings*, XIV. 358-360.

2. If any other Christian prince had possession, that is no greivance to this common-wealth but Sir F. G.¹³ denies etc.

3. The depopulation in a great part is true.

4. The boundes and the largenes thereof is no greivance. If there were no graunt other princes might come and plant.

5. The name, it is no dishonour, they may be partners if they will.

6. For punishing criminally, etc., such as, etc., confesseth not so justifiable. Were to bee wished it were according to the lawes of England. They are willing it should bee amended if it bee thought fitt.

7. For the power of expelling by force of armes such as shall disturb, etc., and forbidding to visit the coast on paine of confiscation. This they also submitt to amendment.

8. Restraint of trafique dishonorable to the king.

9. Examining upon oath to discover their owne offences. This confest to bee not so justifiable.

10. Power to bring one thence hither to bee judged.

11. All justices and officers to assist. Justifiable if according to law.

12. If the plantation bee cherished they which were wont to fish at new found land, will continue their trade there.

Ob[servation]. Scandalous aspersions on the last Parliament in a printed booke.¹⁴

An[swer]. No such thing in that booke.

Sir Edw. Cooke, if right to the trees it may bee tried here at common law. (Add. MSS. 18597, ff. 86-87.)¹⁵

Mar. 17, HC. Sir Edw. Coke reporteth from the committee for grievances. Have condemned one, viz. Sir F. Gorge his patent, for a plantation in New England. Their counsel heard, the exceptions being first delivered them.¹⁶ Resolved, by consent. The charter dated 3 Nov. 18 Jac. That the clause in the patent, that no subject of England shall visit the coast, upon pain of forfeiture of the ship and goods: the patentees have yielded, the English fishermen shall visit; and will not interupt any fisherman to fish there: for he no new discoverer; fishermen of this, and other nations, having fished there before his patent. Drying of nets, salting of their fish, etc. incidents to their fishing: whereunto he also agreed.

After he was gone, after debate, over-ruled, the fishermen might take timber for repair of their ships: 1. *Quia* incident: 2ly, taken so before his patent: 3ly, fishermen never take any timber with them: 4ly, bring in great store of money for their fish.

¹³ Ferdinando Gorges.

¹⁴ In 1622 the council for New England published Gorges, *A Briefe Relation of the Discovery . . . of New England*, probably the book referred to. Its object was "to strive to vindicate our reputation from the injurious aspersions that have bene laid upon it. . . ." The book is reprinted in Baxter, *Sir Ferdinando Gorges* (Prince Society, *Publications*), I. 199-240; and in Mass. Hist. Soc., *Collections*, second ser., IX. 1-25.

¹⁵ "Report of proceedings in Parliament, and principally in the House of Commons, from the 19th of February, 1623/4, to the 29th of May following." *Cat. Add. MSS.*, 1848-1853, p. 119.

¹⁶ See p. 50, note III.

Resolved, English fishermen shall have fishing, with all incidents of drying fish, nets, timber, etc.

2ly, that the clause of forfeiture, being only by patent, and not by act of Parliament, void.

Resolved, upon question, that the House thinketh fit, the fishermen of England shall have fishing there, with all the incidents necessary, of drying nets, and salting, and packing.

Upon the second question, in the opinion of this House, *una voce*, the clause of confiscation void, and against law.

Upon the third question, in the opinion of this House, the fishermen of England may take necessary wood and timber, for their ships and boats use of fishing there. (*C. J.*, I. 688, 738.)¹⁷

Mar. 17, HC. Sir Ed. Coke's report from the committee of greivances. The patent of new England dates 3 Nov. 18 Jac.

1. A clause in it that none shall visit the coast there, and so debarring fishing.

2. A clause of confiscation of ships and goodes.

Resolved by the house the fishing should bee free. And that the clause of confiscation of ships etc. was against law.

The house thought fit, that such as did fish there, should have liberty to take timber and wood necessary for their fishing. (*Add. MSS.* 18597, f. 88.)

Mar. 17, HC. Uppon Sir Edw. Cooks report of fishing in the new England, that fishermen should fell wood for their necessary uses in any mans ground.

Sir Geo. Chidley sayd, by this liberty fishermen might take any trees next a mansion hows.

Sir Edwin Sands answeard, the detriment of this new plantation is their too much wood.

This fishing of new England brings in for 100,000 *l.* per A.

Sir Dudley Diggs: Fishermen ar chiefly to be cherished, for they bring in much wealth, and carry out nothing.

There is an acte of Parleмент for cockers, and hewers to go over any mans ground.¹⁸

It was ordered they may take necessary wood, and timber, to be provided in convenient places. (*Harl. MSS.* 6383, f. 101.)¹⁹

Mar. 17, HC. *Sir Ed. Cook* reports the com. of greivances and especially of the pattent of new England: and sayth that according to that rule the *oceanus* is free (not *fretum* hee sayth) that Sir Ferdinand Gorge

¹⁷ Henceforth, the first authority cited will be the one from which the entry is taken. References to other accounts not differing materially from the first will follow. Where substantial variations exist, unless these can be indicated by foot-note, all texts will be given.

¹⁸ A huer was one who directed fishing from the shore. By act, 1 Jac. I. c. 23, "baleors, huors, condors, directors, and guidors" were permitted to enter upon any lands in Somerset, Devon, and Cornwall counties, to watch and direct fishermen. *Statutes*, IV. 1048.

¹⁹ "An abstract of proceedings in Parliament from Monday 23 of Feb. 1623/4 to Wednesday 19 of May. Thus superscribed by the writer: 'Notes taken of the Parle-ment first appointed the 12th of Febr. 1623 . . .'" *Cat. Harl. MSS.*, III. 362.

hath now consented that itt shallbee free for any man to fish there and that they should have all libertie for necessities of woode and land, etc., and the comtt. resolved the libertie accordingly and that the clause in the pattent of confiscation of goodes is voyd by law and condemned, because noe clause of that kinde cann bee goode but by act of Parliament.

There was much debate whether the fishermen should have libertie to take timber where they will, for the benefitt of the plantation and houses, and if not but to convenient places then the planters, who hate the fishers and have martiall law, will not suffer them but with much inconveniency.

The house gives opinion for reformation of these and but an opinion yett untill a bill bee drawne to pass then for a law. (MS. of J. H. Gurney, XIII., p. 119.)

[1623/4?]²⁰ HC. (In committee of whole House.) *Sir Benjamin Rudyard*:²¹ *Sir Dudley Digs*,²²

I doe professe, that as my affection, my reason, and my judgement, goe strongly with the scope and drift of this proposition; so shall a good part of my poore fortune, when it comes to execution.

For to my understanding, there was never propounded in Parliament, a designe more proper for this kingdome, nor of more pregnant advantage to it, whether we consider the nature of our situation, or the quality of our enemies forces.

As wee are an iland, it concernes our very being to have store of ships to defend us, and also our well-being by their trade to enrich us.

This association for the West Indies,²³ when it shall bee regulated and established by act of Parliament, and thereby secured from the violence and injury of any intruding hand, it will certainly give many men encouragement and confidence, voluntarily to bring in large and liberall

²⁰ The date, "21 Jan.," on the title-page of Castell (see note 25, below), is a misprint for "21 Jac." The *Journals* contain nothing that would more definitely fix the month and day, although throughout the reports of the proceedings during March there are extended notices of debates on the strained relations with Spain. On Mar. 1, for example, after debate in which both Rudyard and Digges participated, at the latter's proposal, a committee of the whole House was ordered to meet that afternoon to consider the Spanish business. *C. J.*, I. 674-676, 722-724.

²¹ M. P. for Portsmouth, interested in colonial enterprise, and one of the incorporators of the Providence Company in 1630.

²² M. P. for Tewkesbury. In 1620 Digges was sent to Holland to negotiate a settlement of the disputes between the English and Dutch East India companies. Rudyard twice addresses him in the course of this speech, the reason for which is not made clear by the *Journals*. The proceedings of Mar. 2 and 3 give references to his motion in connection with the debate on Spanish affairs; he was made recorder of the Commons' committee to meet the Lords on the same business (*C. J.*, I. 725, 726) and he afterwards reported this conference to his House (*ibid.*, p. 727).

²³ After negotiations concerning the Spanish match had failed, the Dutch hoped for an alliance with England and proposed a joint colonizing enterprise in the West Indies. (Davenport, *European Treaties bearing on the History of the United States and its Dependencies to 1648*, doc. 33, introd., p. 290; Arend, *Algemeene Geschiedenis*, III. (3), 749; Newton, *The Colonising Activities of the English Puritans*, p. 28.) The Dutch West India Company had already been chartered, in 1621, for commercial gain at the expense of Spain. In 1623 Secretary Conway proposed that England should join with the states of Holland in their West Indian voyage (*Cal. St. P. Dom.*, 1623-1625, p. 143). Proposals to establish a West India company were considered from time to time, for many years (Scott, *Joint-Stock Companies*, II. 326-327).

contributions, towards so noble, so profitable an enterprise. So that in short time, we shall see many new ships built, many brave men employed, and enabled for the service of their country, none of this money shall be carried out of the kingdome, but laid out for shipping, which is the defence of it, and bestowed upon our owne men, who must be fed and maintained, though they stay at home. For this, wee shall reape the fruit of whatsoever benefit plantation, trafficke, or purchase can procure us, besides honour and security.

Now, let us a little consider the enemy wee are to encounter, the King of Spaine. They are not his great territories which make him so powerfull, and so troublesome to all Christendome. For it is very well knowne, that Spaine it selfe is but weake in men, and barren of naturall commodities. As for his other territories, they lye divided and asunder, which is a weaknesse in its selfe; besides, they are held by force, and maintained at an extraordinary charge. Insomuch, as although he be a great king, yet is he like that great gyant, who was said to have 100 hands, but he had 50 bellies to feed, so that ratably, hee had no more hands then another man.

No sir, they are his mines in the West Indies, which minister fuell to feed his vast ambitious desire of universall monarchy: it is the money he hath from thence, which makes him able to levy, and pay souldiers in all places; and to keepe an army continually on foot, ready to invade and endanger his neighbours.

So that we have no other way, but to endeavour to cut him up at root, and seeke to impeach, or to supplant him in the West Indies. By part of which course, that famous queene of most glorious memory, had heretofore almost brought him on his knees.²⁴ And this our undertaking (if it please God to blesse it) must needs effect it sooner and quicker: the whole body of the kingdome being united and concurring in a perpetuall supply to this action, so that he wil have no free time given him to rest.

Moreover, this will be a meanes not only to save, but to fill his Majesties coffers, enabling the people to give him liberally, and often; the kings ships will have little to doe, but to guard the coasts, for the sea-warre will chiefly bee made at the charge of the subject. Thus, (Sir Dudley Digs) I doubt not but that in short time, both king and people shall be safe at home, and feared abroad.

To conclude, I shall be very glad to heare any man make objections against this designe, so that hee doe it with an intention to refine and perfect the worke; but if any shall speake against it with a mind to hinder and destroy it, I must entreat him to pardon me, if I doe scarce thinke him to bee a good Englishman. (*A Speech concerning a West Indie Association, at a Committee of the whole house in the Parliament, 21. Jacobi. By Sir Benjamin Rudyard.*)²⁵

²⁴ The defeat of the Armada and the other exploits of the Elizabethan seamen had shattered the supremacy of Spain on the sea.

²⁵ Printed in 1641. Also in William Castell, *A Short Discoverie of the Coasts of the Continent of America* (London, 1644), pp. v-x; see p. 129, note 110, *post*. Concerning an error in the date of this speech as given in this latter source, see note 20, above.

1624.

Apr. 5, HC. Bill of Spanish tobacco, to be looked up.²⁶ (*C. J.*, I. 755.)²⁷

Apr. 10, HC. Mr. Glanvil reports the bill of fishing. The amendments twice read. Was ordered to acquaint the House with a book set out, against the honour and rights of Parliament.²⁸

Mr. Guy tenders a proviso to this bill: which was read.

The bill, upon question, re-committed: and all, that will come, to have voice: Wednesday next, Exchequer Chamber, two clock. (*Ibid.*, p. 762.)

Apr. 15, HC. L. 1. An act concerning tobacco.²⁹ (*Ibid.*, p. 767.)

Apr. 15, HC. Bill of free fishing, to-morrow, two clock: to be delivered to Mr. Wentworth,³⁰ and he required to attend: Court of Wards. (*Ibid.*, p. 767.)

Apr. 26, HC. A petition for Virginia, read.³¹

Sir Ro. Phillippes: To respite the debate of this petition, at this time. Moveth, Thursday next, to hear them.

Sir Ro. Phillippes, Sir Edw. Sands, Sir Nath. Rich, Lord Cavendish, Sir H. Mildmay, Mr. Rich. Spencer, Lord Lisle, Lord Wriothlesley, Sir H. Poole, Sir Wm. Herbert, Sir Edw. Peyton, Sir Francis Seymor, Sir G. Gerrard, Sir D. Digges, Sir Wm. Spencer: and all, that will come, to have voice; only those of the company to be present, to inform, but to have no voice: Wednesday next, in the afternoon, two clock, in the Star-chamber. Counsel on both sides, if desired. (*Ibid.*, pp. 691, 775.)

Apr. 26, HC. A petition from the company of Virginia, expressing the kinges grant of, etc., and the benefites like to ensue by the plantation. 1. Planting Christianitie. 2. Employing our people. 3. Largenes of the country. 4. Increase of navigation. 5. Building of ships. 6. The diverse woodes. 7. Advantage in case of warre.

They complaine on the Lo. Treasurer³² that for his private endes had, etc.

Sir Edw. Cooke, this petition is considerable, fitt to have a committee.

A committee appointed, Wednesday. (Add. MSS. 18597, f. 163.)

²⁶ In 1621 the Commons passed a bill prohibiting the importation of Spanish tobacco, which however failed to receive the concurrence of the Lords. It was now proposed to pass a bill excluding all foreign tobacco. The bill had its first and only reading on Apr. 15. Beer, *Origins*, pp. 134-135; Bruce, *Econ. Hist. Va.*, I. 277-278; cf. *Cal. St. P. Dom.*, 1623-1625, p. 250.

²⁷ The proceedings of the Commons from Mar. 17 to Apr. 21 are omitted in the clerk's Journal, but the Journal of his son for this period (pp. 738-772) fills the gap.

²⁸ See note 14, *ante*.

²⁹ No further reference is made to this bill in this session.

³⁰ There were two Wentworths in this Parliament—Thomas, a lawyer, representing Oxford city, and Sir Thomas, later the first earl of Strafford, who in 1641 was executed for treason.

³¹ For the proceedings of the company on this petition, see Kingsbury. *Recs. Va. Co.*, II. 528, 530, 537-538. The petition was delivered by Nicholas Ferrar, deputy treasurer of the company, and M. P. for Lymington, whose copies of the records of the Virginia Company are in the Library of Congress. Ferrar reported to the company that at first some opposition was made, but that the House was pleased to entertain it very acceptably. The text of the petition is printed below.

³² Sir Lionel Cranfield, afterward earl of Middlesex, who was much opposed by the Sandys-Ferrar faction of the Virginia Company.

Apr. 26, HC. A petition from the treasurer and companye of Virginia, complaining theire bodye was distempered and theye unable to be theire owne phisitians; *ergo* intreate the house to take information of theire state from such of the companye as are members in the house. Referred to a generall committye, but theye of the companye to have noe voyces. (Harl. MSS. 159, f. 108.)

[*Apr. 26*], HC. Mr. Farrar presents a petition from the treasurer and companie of Virginia. And Wednesday was appointed for the hearinge of the cause. (Add. MSS. 26639, f. 20.)⁸³

Apr. 26, HC. To the Honorable House of Commons assembled in Parlyament the humble Petition of the Treasurer,⁸⁴ Counsell and Company of Virginia.

Shewinge: That after divers discoveries had confirmed an opyneon, that the country (now Virginia) was scituate in a temperate wholesome clymate, and that the soyle was exceedinge fertell, the parts watred with fruitfull, and navigable rivers, wherby our men and shippinge through a fair sea might have a comfortable fallinge on a saffe choast; it pleased God to affect the myndes of many worthily disposed noblemen and gentlemen and others to understand itt a matter of great religion and honour to endeavour the propagatinge of Christianitye amongst those barbarous people and gaine such a hopefull addition of dominion to his Majestie: most deservinge the highest honour of such an enterprize: who beinge informed therof and apprehendinge the great honour and comoditie might arrise to this state, by perfectinge a Christian plantation in those partes. Itt pleased his Majestie: by his most gracious letters patents of incorporation (from tyme to tyme renued and enlarged) to conferr as ample pryviledges and immunities both for their assistance, who should becom directors, or governors in the buissines, and for their comferte, who should be willinge to settle and inhabite in Virginia as could then be foreseen or desyred: which gave so generall an encouragement, that noblemen, knights, gentlemen cittizens and others in great numbers, originally named in the severall letters patents became adventurors, who besides their monneys gave many folde helpes with industry to advance the perfection of this glorious worke. And notwithstandinge a multitude of accidents and disasters incydent to a new plantation in a remote and savadge country: it pleased God to refresh their hopes by such an undoubted probabilitie of attayninge (at least for the publike of their country and posteritie) a most beneficall retribution for all their expence and paynes, as in the end might crowne their endeavors with as much glorie, honour, and proffitt to this kingdome as could be wished or expected haveinge in their contemplation the grounds followinge.

1. The conversion of salvages to Christianitye and establishinge the first plantation of the reformed religion.

2. The removeinge of the surcharge of necessitous people, the matter or fewell of daungerous insurrections, and therby leavinge the greater plentie to susteyne those remayninge within this land.

⁸³ Proceedings in the House of Commons, April, 1624–August, 1625. *Cat. Add. MSS.*, 1854-1875, p. 262.

⁸⁴ Earl of Southampton, treasurer from May, 1622.

3. The largnes of territory knowne greate, may prove much greater, the fertilitie of the soyle and temperature of the clyme chearishinge our people and produceinge by nature and industrie, what soever usefull commodities are found in any knowne country.

4. The beneficiall fishings discovered which together with the continuall entercourse betweene people of one and the same nation is an exceedinge encrease of navigation.

5. The multitudes and quantities of materialls for the buildinge and settinge forth of shippinge beinge there in perfection especially excellent timber wherof great scarcitie is found throughout Christendome.

6. The assurance of many rich trades that by a plantation settled in those parts might be found out and dryven to the incredible benefitt of this kingdome, besides noe small hopes of an easy and short passadge to the South Sea, either by land or sea.

7. An inestimable advantadge, that would be gayned to this state of England in case of warr both for the easie assaultinge of the Spanyards West Indies, from those parts, and for the relievinge and succouringe of all shippes and men of warr that should goe on reprintsalls, there beinge none of those daungers or discommodities whatsoever that in former times overthrew soe many voyadges butt wilbe by the plantations of Virginia and Summer Islands supplied and prevented; soe that our benefitt and the enemies harme and loss wilbe certaine.

Butt soe itt is that now when the naturall difficulties incydent to all new plantations are by tract of time and good dilligence, and especially by the blessinge of Almighty God in great part overcom: yett on the other side the unnaturall and faultie impedyments arysinge by faction and discord, runinge courses and practizes of some tendinge wholly to pryvate proffitt, misimployment of the stocke, false accompts and the like diversions from the faire hopes in the action are soe encreased and upheld by strong hand as doth threaten speedy ruine and destruction to this excellent worke of God and his Majesty: if remedies be not timely applied.

Wee therefore the counsell and company (not a little differinge from other companies both in our composition consistinge of principall noblemen, gentlemen, merchants and others, and in the ends for which it is established beinge not simply matter of trade, butt of a higher nature, yett findinge nevertheless our selvs in our body as itt is now distempered unable to be our owne phisicians without higher assistance) doe thinke our selvs tyed in conscience, duty and reputation and for the deliverance of our owne soules, and for dischardg of the trust reposed in us to represent to this present Parlyament, this childe of the kingdome exposed as in the wilderness to extreame daunger and as itt were fayntinge and labouringe for life.

Humbly entreatinge this honorable house to take into your comisseration this distressed collony and oppressed company and to be pleased to receive from such of his Majesties counsell for Virginia (beinge members of your honorable house) as have been appoynted by us the company a full relation of those oppressions and greivances which though in sundry kindes (have as they doubt not to make evydent) had either their originall

or strength from the now Lord Treasurer out of his pryvate and most unjust ends, not onely to almost the utter overthrow of this noble worke butt alsoe to the deceipt of his Majesty: in his proffitt and to the great prejudice of the wholl kingdome in matter of trade, and daungerous consequence to the liberty of their persons. And theruppon accordinge to your most grave wisdomes to devise some remedy for removeing of the impediments, repressinge of the abuses encourradginge adventurers and fynally for the establishment of the collony. (Kingsbury, *op. cit.*, II. 526-528.)⁸⁵

Apr. 28, HC. Sir Edw. Cooke: In the' committeè of grievances have proceeded in five causes: . . . 2. Sir Ferd. Gorge his patent . . .

To appoint a subcommittee, to draw these into form, to be presented to the king. Ordered.

Sir Edw. Cooke, Mr. Noy, Mr. Selden, Mr. Pym, Sir Eub. Theloall, Sir Edwyn Sandys, Sir Rob. Philips, Mr. Alford, Attorney Wards, Mr. Whistler, Sir Dud. Digs, Sir Pet. Hayman, Sir Fra. Barrington, to consider of these, and those, that shall come after, of the grievances of the last Parliament, and of *septimo*; ⁸⁶ and to draw them up in a fit frame and model, to be presented to the king: tomorrow, Inner Temple Hall, four clock: and all to have voice. (*C. J.*, I. 777, 692.)

Apr. 28, HC. Sir Edw. Cooke makes a report from the comittee of grevances concerning 5 causes: . . .

2. The pattent to Sir Fardinando Gorges wherein there were these unlawfull clauses: 1, that no man should visite the coast of New England w'ch overthrew the freedom of the fishing trade; 2, a penallty of confiscation, as if it were by act of parlim't, for both w'ch it was adjudged a grevance in the graunt, besides divers fishermen had ben sued in the Admiralty uppon pretents of this patent, w'ch made it a grevance in the exequution. (MS. of the Duke of Bedford, A. M., p. 232.)⁸⁷

Apr. 28, HC. Mr. Wentworth reports the bill for free fishing. The amendments twice read. Ordered, to be ingrossed. (*C. J.*, I. 777, 692.)

[*Apr. 28 ?*] *HC. Sir Nathaniel Rich:* I am one of this companie, and likewise one of above a 100 counsellors of Virginia that have ben long agoe weary of following that business, yet doe I very hartilie love and wish well to thatt plantation, and if that company a poore one God wott it is for of all their collections and moneyes raised by lotteries which were decryed the less yett they have not one penny publiq stock nor had any success in the imploying of it. if I say that companie has in this their petition propounded anything for the benefitt of that plantation (as I was in good hope they would have done) I should have been glad to have been one in presenting a most humble petition to this honourable house to that purpose. But sir I must deale plainly with you. I conceive

⁸⁵ A manuscript copy is in the Library of Congress. Printed also in Brock, *Virginia Company*, II. 263; calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 122.

⁸⁶ 7 Jac.

⁸⁷ Manuscript at Woburn Abbey, noted in Hist. MSS. Comm., *Second Rept.*, App., p. 7.

the scoope of their petition bendes a quite other way and directlie contrarye to what you Mr Speaker in the name of the whole house doe begg at Godes hands every day that he would unite our harts and affections together. I know Mr Speaker and it is too notorious what wretched rentes, factions, divisions, effectes of their slanders, calumnies, backbitinges, and the like these businesses have begott in so much that his Majeste and the whole counsell board have been possessed with many greivous complaintes on each side: and have taken extraordinary great paines in hearing and searching to the bottom of those disorders and finding in their great wisdomes that all theis and many other mischeifes tending to the utter ruynes of that plantation proceeded from ill govern[en]t theyr Lordships by consent of his Majestie did resolve to reduce the govern[en]t to the first institution and that the affaires of that plantation for so much as concerned the govern[en]t only should be directed by a choice counsell of some discreet men of the companie to be chosen of whom

[Here follows a long blank space. Then in the margin:]

Some of trust
more to ther
frendes then to
theyr cause.
but that none
will doe that
know this house

I will not moove either to retayne or reject it. my motion shortly is this, that if you thinke fitt to retayne a complaint of this nature you wilbe pleased to examine it thoroughly before you deliver any opinion in it: sure I am we will not give advise uppon a few dayes deliberation contrarye to what his Majestie and the body of his counsell have resolved uppon thorough examination of many monethes.

If those who sent us hither to make good lawes, to remove greivances, to advance trade, to regulate courts of justice ask of us how we have spent our tyme: shall we not blush to answere that we have consumed it in hearing the wrangling differences of the Virginia Companie concerning tobacco and what this man said and what the other replied.

But if you will look into any thing of this which concerns the common wealth see how your lotterye money was disposed.³⁸ (Manchester Papers, no. 410.)³⁹

Apr. 29, HC. Mr. Speaker delivereth, and readeth, a letter from the king, concerning the Virginia petition.

³⁸ For an account of the lotteries conducted by the Virginia Company, see Scott, *Joint-Stock Companies*, II. 252-258, 272; see also A. R. Spofford, in *Am. Hist. Assoc., Annual Report*, 1892. p. 173.

³⁹ In Public Record Office. Endorsed, "Briefe heades of wt I spoke to the Virginia buseness las plt. 1624". The day of its delivery is suggested by the action of the Commons in referring the petition, presented Apr. 26, to a committee to meet the following Wednesday. Rich was one of this committee. See *ante*. The following day the king's letter removed the matter from further consideration of the House.

The petition, by general resolution, withdrawn.⁴⁰ (*C. J.*, I. 694, 779.)

Apr. 29, HC. A letter from the kinge readde by the Speaker that the house should not trouble it selfe with the Virginia busines as being matter meerlye of division and disturbance to them. His Majestie would make it his owne worke to setle those 2 plantations of Virginia and the Bermudas, soe the petition delivered Aprill 26 was withdrawne. (*Harl. MSS.* 159, f. 110.)

Apr. 29, HC. Trusty etc.

Whereas wee have taken notice that some of the Virginia Compagnie have presented a petition to our House of Commons, and doubting it might occasion the repetition, and renewing of those discords, and contentions, which have been amongst them, and which by our great care, and the directions of our counsell are in a good way to bee composed, we doe signify to our House of Commons, that wee hold it very unfitt for the Parliament to trouble themselves with those matters, which can produce nothing, but a further increase [of] schisme, and faction, and disturbe the happy and peaceable proceeding of the Parliament which wee hope your cares (as hitherto they have done) shall concur with ours to bring to a good issue. As for these businesses of Virginia, and the Barmudoes, ourself have taken them to heart, and will make it our own worke to settle the quiet, and wellfare of those plantations, and will bee ready to doe anything that may bee for the reall benefitt, and advancement of them. This wee thought good to intimate to our House of Commons, not out of favour, respect or mediation of any party, but of our own princely love, and regard to our House of Commons, and wee earnestly desire to remove all occasion, that might disturbe the peace of it, or hinder you from your more great, and weighty occasions, and assure ourself our House of Commons will take in good part and correspond with us herein, as they have done in all things else during this session. Given at Windsor, Aprill 28, 1624. (*State Papers, Dom.*, James I., vol. CLXIII., no. 71.)⁴¹

Apr. 29, HC. *L. 3a.* An act for free liberty of fishing upon the coasts of America, etc.

Resolved, the debate about this bill of fishing, now thirdly read, to be deferred till ten clock to-morrow; and to proceed with passing bills at nine. (*C. J.*, I. 694, 779.)

May 3, HC. The debate, concerning the fishing in New England, renewed.

Sir W. Earle: For the planters; who more beneficial to the commonwealth, than the fishers.

⁴⁰ See below for text of the king's letter. The same day Sir Isaac Wake wrote to Secretary Conway: "The king's letter which was received with universal applause has quieted the great schism caused by the Virginians" (*Cal. St. P. Col.*, 1574-1660, p. 60). The following day John Chamberlain, writing to Sir Dudley Carleton, said it was "the best course that could have been taken, and no doubt most pleasing to the major part". (*Ibid.*, p. 61; Lefroy, *Memorials of the Discovery and Early Settlement of the Bermudas*, I. 337.) On May 9, Sir Francis Nethersole wrote to Carleton that "the order was assented to by a general silence, but not without whispers that by such means any business might be taken out of the hands of Parliament". *Cal. St. P. Col.*, 1574-1660, p. 62; *Va. Mag. Hist.*, VI, 382-384.

⁴¹ James I. to the Speaker. Printed in Lefroy, *op. cit.*, I. 336-337; a summary is given in *Cal. St. P. Dom.*, 1623-1625, p. 227.

A proviso, in parchment, tendered to this bill: which read.

A second proviso tendered by Mr. Guy: which read.

Sir Edw. Coke: Sir F. Gorge his patent condemned, for the clause, that none should visit with fishing upon the sea-coast. This to make a monopoly upon the sea, which wont to be free. A monopoly attempted of the wind, and the sun, by the sole packing and drying of fish.

Mr. Secretary: That free fishing, prayed by this bill, overthroweth all plantations in these countries. That liberty, by this bill, to cut down wood, within one quarter of a mile of a dwelling house; which exceeding prejudicial to the planters. So for Newfound-land.

Mr. Glanvyle: The first stage worth ten of the rest. The provision for timber, in Newfound land, omitted, because that an island, having no rivers: but New England hath divers rivers into it.

Both the provisoes, upon question, rejected.

The bill, upon question, passed. (*Ibid.*, p. 697.)

May 3, HC. The debate of the bill for free fishing in New England, begun.

Mr. Bushrod tenders a proviso to the bill.

Mr. Guy, another.

Both provisoes rejected.

The bill, upon question, passed. (*Ibid.*, p. 782.)

May 4, HL. Message from the Commons, by Sir Edward Cooke and others. They presented unto their Lordships twelve bills: . . .

2a. An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing and fishing voyages, to be made and performed in and upon the seas, sea-coasts, and places of Newfound-land, Virginia, New-England, and other the seas, sea-coasts, and parts of America. (*L. J.*, III. 340.)⁴²

May 24, HC. *Sir Edw. Sands* reporteth further for the Spanish trade. That the importation of Spanish tobacco hindereth this kingdom 100,000 *l.* per annum, which else would have been imported. Moveth, to petition the king, to banish all foreign tobacco, not being of the growth of his Majesty's dominions. This to be a petition of grace, and not of grievance. Upon question, ordered.

This to be drawn by Sir Edw. Sands and Mr. Ferrar.⁴³ (*C. J.*, I. 710, 794.)

May 25, HC. The preamble to the grievances read, and allowed.

The first, concerning Sir Ferdinando Gorge his patent, read, amended, and then, upon question, allowed.⁴⁴ (*Ibid.*, pp. 711, 795.)

May 25, HC. The roll of greivances the first reading.

⁴² Erroneously paged 330.

⁴³ On May 20 Solicitor General Heath wrote to Sir Robert Harley, requesting him to take opinions on a bill to be proposed in Parliament for prohibiting import of Spanish tobacco. "It can be done without breach of treaty, the King has promised it to the Virginia Company, and it will increase his revenue 50,000 *l.* per annum" (*Cal. St. P. Dom.*, 1623-1625, p. 250). A copy of the proposed bill is in the Public Record Office, Manchester Papers, no. 406.

⁴⁴ Concerning free fishing in New England.

1. The patent granted to Sir Ferdinando Gorges forbidding to fish on the coast of new England under paine of confiscation of ships and goodes.

Petition, that those clauses concerning restraint, might bee declared to bee void. (Add. MSS. 18597, f. 193.)

May 26, HC. Sir Edwyn Sandys presented the other petitions of grievance, concerning trade. . . . 9. Spanish tobacco: re-committed to Mr. Solicitor,⁴⁵ Sir Dud. Digs, Sir Guy Palmes, Sir Tho. Wentworth, Mr. Noy, Sir Natha. Rich. . . . That of tobacco, reported, and allowed. (*C. J.*, I. 796, 712.)

[May 28],⁴⁶ HC. Most gracious Sovereigne wee your Majesties loyall and faithfull subjectes the Commons by your royall authority assembled out of all the partes of your realme of England in this present parliament aswell out of our duetie and zeale to your Majestie as out of the sence of that just greif wherewith your subjectes are generally affected, doe in all humility present the complainte of the Commons of your relme against thes greivances ensuing, to your gracious veiwe, most humbly and instantly praying due redress thereof according to your Majestyes great wisdomes and justice.

Agaynst a patent restreyning fishing on the sea coastes of New England:

Wheras upon divers suggestions and to set forward a plantation in New England your Majestie did grant your letters patents bearing date the third day of November in the eighteenth yeare of your raigne unto Sir Ferdinando Gorge[s] knight and other patentees wherby your Majestie prohibiteth all your subjects to visit that coast without licence of the sayd patentees and by precept therof your Majesties subjects have bin interrupted to fish in the maine sea upon the same coast, in which letters patents it is further contained that if any of your subjects should offend contrary to the same they should forfeit their ships and goods the one moytye therof to your Majestie and the other moytye to the sayd patentees, now in respect that the trade of fishing is a most beneficiall trade to this realme for the increase of shipping navigation and mariners and the bringing in of bullion and victuall to a very great yearely valewe and supplie and yet the free exercise thereof is restrained by the said letters patents contrary to lawe and to the generall dammage of the realme. And forasmuch as the said grievance was complained of and examined by and before your Commons in this present parliament and the said Sir Ferdinando Gorges who undertooke the defence therof for himselfe and other the said patentees being called thereunto and att severall dayes deliberately and fully heard therein by himselfe and his learned counsell could not defend the same [but it appeared manifestly to be against the law that he and his said learned counsell yealded that your said subjects should and ought to have free fishing with all incidents thereunto belonging on

⁴⁵ Sir Robert Heath, representing Sussex.

⁴⁶ "Agreed, Mr. Sollicitor shall present the grievances to the king this afternoon, with thirty"

Mr. Sollicitor trusted with the preamble, which left to his discretion. Mr. Hackwyll and Mr. Sollicitor to make the report." *C. J.*, I. 714, this date.

the coastes aforesaid]⁴⁷ and yett the premisses notwithstanding your loving subjects may be hereafter unjustly vexed as heretofore they have bin by collour of the said letters patents, our most humble suite to your Majestie for the causes aforesaid is that your Majestie would gratusly be pleased to publish and declare the said letters patents so farr as they concerne the prohibition of free fishing and the incidents thereunto and the confiscation of shippes and goods and all restraints and penalties therein contayned concerning free fishing or which may hinder the same to be utterly voide and against your lawes and never hereafter to be put in execution. . . . (State Papers, Dom., James I., vol. CLXV., no. 53; *Parliamentary or Constitutional History of England*, XXIII., app., pp. 39-40; Cobbett, I. 1489-1490.)⁴⁸

May 28, HC. The greivance of tobacco.

The importation of tobacco which is not of the growth of your Majesties dominions, is found to bee one of the greatest occasions of the disordering of trade and want of money within the kingdome. Therefore wee humbly pray, that your Majestie will give order, that noe tobacco bee from henceforth imported, but such as is the proper growth of your owne domynions. (Harl. MSS. 2244, f. 15.)⁴⁹

[May 28?],⁵⁰ HC. Your Majesties most humble Commons, takeing into carefull consideration the great want of money in this your realme, at this day, whereby rentes are unpaid, contractes broken, bondes forfeited, markettes and fayres much deserted, or unfrequented, the better sort impoverished, and the meaner (for want of meanes in the better) not set on worke, extending not onelie to a generall distemper amongst your subjects at home, but to the hindrance also of trade, and traffique abroad (money being as well the mother as the daughter thereof); and doubting least the same want may in fyne also redound to the prejudice of your Majesty in subsidyes, and other dutyes graunted, and to be graunted for the service of your Majesty, and necessary defence of your kingdomes. They have thought fitt to present to your Majesties princelie regard, one

⁴⁷ The matter between the brackets is crossed out of the original, and is omitted from the printed version in Cobbett and the *Parliamentary History*. The latter (vol. XXIII., app., p. 40) states in a foot-note after the word "premises": "There seems to be something wanting here in the MS. to compleat the sense."

⁴⁸ Endorsed: "The petition to the king to moderate Sir Ferd: Gorges patent. Allowed." The full list of grievances referred to in this petition will be found in *Cal. St. P. Dom.*, 1623-1625, p. 258. The printed version in Cobbett is a reprint of that in *Parl. Hist.*, which was taken from a "collection of speeches, etc., in 1623 and 1624, communicated by the Rev. Dr. Zachary Grey, rector of Ampthill, in Bedfordshire". "This manuscript, apparently in the hand of those times, the Doctor calls Captain Wingate's Manuscript . . ." (*Parl. Hist.*, XXIII., app., p. 61; Cobbett, I. 1489.) This petition also appears as no. 44, f. 107, of Harl. MSS. 6799.

⁴⁹ "Severall Greivances presented to King James by Sir Robert Heath (then solicitor generall) upon Friday the 28th of May in the name of the Lower House of Parliament in the Banquetting House at Whitehall 1624 concerning Trade." Harl. MSS. 6799, no. 44, f. 1.

⁵⁰ This petition was authorized on May 24 (see entry of that date). It was to be a "petition of grace, and not of grievance", but whether it was presented with the grievances is not certain. Kingsbury, *Recs. Va. Co.* (I. 194) and Hist. MSS. Comm., *Eighth Rept.*, App. II. (p. 48), suggest its date as some time in June. But Parliament was prorogued on May 29.

principall cause of this want, amongst divers others, which the streightnes of time doth exclude from exact, and full consideration.

It is generally knowne, that the West Indies are at this day, almost the onely fountayne, and Spaine as it were the cisterne, from whence, silver is derived into all partes of Christendome.

The cause of the great importation of silver from thence, into this realme, hath beene for that Spaine haveing so great need of many English comodities, and being not able to counterballance them with their owne, they have beene forced to make the accompt even with money.

But since this need of tobacco hath growen into request, they have paid (as their proverb is) for all our comodities with their smoke, and the rayne of their silver to us ward hath beene in a manner dried up, to the losse of a million and a half in money in this fiftene yeares last past.

For upon very full, and exact examynation it hath very plainelie, and undeniably appeared, that what by under sale of our native comodities, to make ready money for their tobacco, what by the money it selfe paid unto them for that weede, there hath beene losse to this kingdome of one hundred thousand poundes every yeare, which else would have returned in money from thence. And a miserable kind of trade hath beene driven with that nation, our native comodities being undersold, and the forreyne overbought, and the treasure of mony transformed into a smoaky weed.

Your humble Commons therefore most instantly crave of your Majesty that the importation of tobacco may be prohibited from all other partes, save your Majesties owne domynions, according to the practise in like cases of all other nations, in favour of their native commodity, and of their naturall people.⁵¹ (Manchester Papers, no. 405.)⁵²

[May 29],⁵³ HC. Answeres to the first part of the greivances.

Against a patent restrayning fishing on the sea coast of England.

It shalbe free for all the kings subjects to visite the coasts of New England and freely to fish there yeelding onely to the propriētours and the tenants of the places where the fishermen shall make theire stages a reasonable recompence for the wood and timber which they shall there take in places fitt, and if any thing in the patent be against the lawe it shalbe reformed. . . .

⁵¹ For the details of this controversy to exclude Spanish tobacco, see Beer, *Origins*, pp. 134-136; Bruce, *Econ. Hist. Va.*, I. 269-270. On June 7 the Virginia Company ordered a petition to be presented from the quarter court "pursuinge the effect of that which the House of Commons had delivered with the addition of what particularly concerned the plantations" (Kingsbury, *Records*, II. 541). On Sept. 29 James, in a proclamation which referred to the petition of the House of Commons, prohibited the importation into England and Ireland of any tobaccos not grown in Virginia or the Bermudas (Rymer, *Foedera*, XVII. 621-624; Brigham, *Royal Proclamations*, p. 35).

⁵² In Public Record Office. Endorsed, "A petition for the banishing of Span: tobacco".

⁵³ "Mr. Sollicitor reports from the king. Did attend his Majesty with our grievances . . . His Majesty returned this answer, which he hath set down in writing: and read." (*C. J.*, I. 798, 715; see also *Cal. St. P. Dom.*, 1623-1625, p. 259.) But compare *C. J.*, I. 800, 801, where it is stated that the new king, Charles, was asked for a reply to the grievances of this session because they were presented too late for an answer. See entries of July 4, 1625, and note 4, p. 74, *post*.

Tobacco.

His Majestie hath prohibited all forraigne tobacco by severall proclamations, and commanded that noe tobacco shalbe imported but such as is of the propper growth of his owne dominions. (State Papers, Dom., James I., vol. CLXV., no. 55, ff. 8-9.)⁶⁴

⁶⁴ See *Cal. St. P. Dom.*, 1623-1625, p. 259. That afternoon the king, in his speech at the close of the session, admonished Parliament not "to hunt out grievances where there is no cause", saying that he "never saw Parliament that had lesser and smaller matter of grievances". Touching on patents in general, he advised them not to recall them before they were examined, nor to defraud the patentees. From an old manuscript collection of parliamentary proceedings obtained from Sir John Napier, of Bedfordshire, and printed in *Parl. Hist.*, VI. 338-339; Cobbett, I, 1502, 1503.

CHARLES I.: FIRST PARLIAMENT.

Session of May 17–August 12, 1625 (1 Car. I.).

1625.

July 1, HL. Message from the Commons, by Sir Edward Cooke and others:

That they have sent up to their Lordships three bills. . . .

3. An act for the maintenance and increase of shipping and navigation, and for the free liberty of fishing and fishing voyages to be made and performed in and upon the seas, sea-coasts, and places of Newfoundland, Virginia, New-England, and other the seas, sea-coasts, and parts of America.¹ (*L. J.*, III. 451.)

July 4, HC. Mr. Solicitor² delivered his Ma'ts answe're to the last petition of grievance delivered the last Parliament to King James.

First against the patent for the plantation of new England.

Answered: It shalbe free for all the kings subjects to performe theire fishing voyages uppon that coast, yeilding a reasonable recompence to the planters for theire wood and tymber, and if anie thing in that patent be against lawe it shalbe amended. . . .

21^{ly} concerning tobacco.

An[swer]: His Ma'tie leaves it to the Parliam't house to consider what is to be done therin. (MS. of the Duke of Bedford, vol. 197, f. 21 verso.)³

July 4, HC. Newe England. First against the patent for the plantation of newe England.

Answered it shalbe free for all the kings subjects to performe there fishing voyages uppon that coast yeilding a reasonable recompence to the planters for there wood and timber, and if any thing in that patent be against lawe it shalbe amended. . . .

Tobacco. 21^{ly} concerning tobacco.

Answered his Majesty hath prohibited all forraine tobacco and none is to be imported but of the groweth of his owne dominions. (Add. MSS. 26639, ff. 41, 43; ⁴ *Debates in the House of Commons in 1625*, Camden

¹ The *Commons Journals* contain no reference to action on this bill by that body during this session. The proceedings between June 22 and July 4, however, are not given in the *Journals*.

² Sir Robert Heath.

³ Manuscript at Woburn Abbey, noted in Hist. MSS. Comm., *Second Rept.*, App., p. 7.

⁴ See p. 64, note 33, *ante*. The entries in the volume are undated, but the proceedings of this Parliament begin on f. 38, which is dated "18 Junii 1625". On June 22 Sir Edward Coke moved that there be no committee of grievances, because of the plague, because "this the first beginning of the now King's reign, wherein no grievances as yet", and because the petition against grievances in the last Parliament was presented too late to receive an answer. He moved to petition the king now for an answer to those grievances. The same day Sir Robert Heath, the solicitor general, reported that the king had taken care of the grievances preferred the last Parliament, and on any day set by

Society, *Publications*, n. s., VI. 37-38, 41.⁵)

July 4, HC. Resolutions determined of concerning the severall greivances preferred by the Commons at the last Parliament.

1. For the patent of New England what is against the lawe shall be reformed.

That it is soe ordered, that it shall not hinder the free fishing of any of the kinges subjects uppon the seas or costs of Newengland: [and if any trading theather for fish or for fishing stand in need of any timber or wood to supplie ther present necessities that they shall have them for reasonable prices uppon the continent in fitt and convenient places, in acknowledgment that the planters have a propertye in the soile.]⁶ (State Papers, Dom., Charles I., vol. IV., no. 4.)⁷

July 7, HL. *Hodie 1a vice lecta est billa*, An act for the maintenance and increase of shipping and navigation, and for the free liberty of fishing, and fishing voyages, to be made and performed in and upon the seas, sea-coasts, and places of Newfoundland, Virginia, New England, and other the seas, sea-coasts, and parts of America. (*L. J.*, III. 459.)

Aug. 11, HL. *Hodie 2a vice lecta est billa*, An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing and fishing-voyages, to be made and performed in and upon the seas, sea-coasts, and places of Newfoundland, Virginia, New-England, and other the seas, sea-coasts, and parts of America.

Committed unto the L. Archbp. of Cant., L. Treasurer,⁸ E. Marshal,⁹ L. Steward,¹⁰ E. of Mountgomery, E. of North'ton, E. of Warwicke, L. Bp. of London, L. Bp. of Co. et Lich,¹¹ L. Bp. of Bath et W.,¹² L. Bp. of Ely, L. Bp. of Bristol, L. Willoughby, L. Delawarr, L. Berkley, L. Stourton, L. Wentworth, L. North, L. Howard of W.,¹³ L. Russell, L. Danvers, L. Gray of Groby, L. Mountague, L. Robarts. Lord Chief Justice,¹⁴ Lord Chief Baron,¹⁵ Mr. Attorney General,¹⁶ to attend the Lords.

To meet on Saturday next, at three *post meridiem*, in the Painted Chamber. (*Ibid.*, p. 487.)

the House satisfaction would be given (*C. J.*, I. 800, 801). On July 4 (June, in *Journals*), the solicitor general delivered this the king's answer (*ibid.*, p. 802). Cf. entry of May 29, 1624, *ante*.

⁵ Edited by S. R. Gardiner, from a manuscript in the library of Sir Rainald Knightley. The selection is dated, and the only variations from the report in the Add. MSS. are those of spelling.

⁶ In the original a perpendicular line is drawn through the passage within the brackets. The reply to the grievance concerning tobacco is, in substance, the same as is given in the preceding report.

⁷ Endorsed, "Greivances in parliament aunswered by the king". This is listed in *Cal. St. P. Dom.*, 1625-1626, p. 53.

⁸ James, Lord Ley, from 1624.

⁹ Thomas Howard, earl of Arundel and Surrey, appointed 1621.

¹⁰ William Herbert, earl of Pembroke, who had been a member of the council of New England.

¹¹ Coventry and Litchfield.

¹² Bath and Wells.

¹³ Howard of Walden.

¹⁴ Sir Ranulphe Crewe, 1625-1627.

¹⁵ Sir Laurence Tanfield, made chief baron of the Exchequer in 1625.

¹⁶ Sir Robert Heath, 1625-1631.

Aug. 11, HC. Severall informations were given of divers injuryes don to his Majestie's subjects upon the sea and sea coasts by the pyrats, Dunkerkers, Rochellers. The particulers of the pyrates were these . . .

By a letter from John Barker of Bristowe, 9 August, 1625, of great spoyle, within 14 dayes last past, upon our coasts and the coasts of Britany, and on shipp of Milbrooke, laden with suger worth 9000 *li.* at least, beside good store of plate; on other shippe laden with Virginia fish.¹⁷ . . . (Camden Soc., *Publications*, n. s., VI. 116-117.)¹⁸

¹⁷ A committee was appointed to consider these complaints. *G. J.*, I. 815.

¹⁸ See note 5, above. Another account, with no important variations, is to be found in MSS. of the Duke of Bedford, vol. 197, f. 68 recto.

CHARLES I.: SECOND PARLIAMENT.

Session of February 6, 1625/6–June 15, 1626 (1-2 Car. I.).

1625/6.

Feb. 14, HC. L. 1a. An act for maintenance of, and increase of, shipping and navigation, and for the freer liberty of fishing and fishing voyages, to be made and performed in and upon the sea-coasts and places of Newfound-land, Virginia, New England, and other the sea-coasts and parts of America. (C. J., I. 819.)

Feb. 28, HC. L. 2a. An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing, and fishing voyages, in Newfound-land, etc. Committed to Sir H. Whyteheade, Mr. Mathewes, Sir H. Anderson, Mr. More, Mr. Rolles, Mr. Delbridge, Mr. Drake, Sir A. Temple, Sir H. Poole: and all, that will come, to have voice: Thursday, two clock, Exchequer Chamber. (Ibid., p. 825.)

Mar. 4, HC. Barrington Manor; and fishing in America; reported. Ordered, to be ingrossed. (Ibid., p. 830.)

Mar. 7, HC. L. 3a. Fishing—upon question, passed. (Ibid., p. 831.)

Mar. 7, HL. *Hodie allatae sunt a Domo Communi quatuor billae: videlicet*, . . . 2. An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing and fishing voyages to be made and performed, in and upon the seas, sea-coasts, and places, in Newfoundland, Virginia, New-England, and other the seas, sea-coasts, and parts of America. (L. J., III. 519.)

Mar. 7, HL. *Hodie 1a vice lecta est billa*, An act for the maintenance of navigation, etc. and freer liberty of fishing, etc. in the seas, sea-coasts, and parts of America. (Ibid., p. 520.)

Mar. 14, HL. *Hodie 3a vice lecta est billa*,¹ An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing and fishing voyages, to be made and performed in and upon the seas, sea-coasts, and places of Newfoundland, Virginia, New-England, and other the seas, sea-coasts, and parts of America.

Put to the question, and expedited.

This bill was first reported by the Earl of Westmerland² as fit to pass. (Ibid., p. 526.)

1626.

May 24, HC. Mr. Whitby reporteth the grievances: . . .

3ly, that the subject may have liberty of free fishing, in the parts of America, with the incidents of timber, etc. Which being restrained in the

¹ There is no reference in the *Journals* to the second reading of this bill, which again failed to pass.

² Francis Fane, first earl of Westmorland.

king's answer, to desire it may be enlarged; and the restraint to be presented, as a grievance. . . .³ (*C. J.*, I. 863.)

May 24, HC. Whitby reports grievances formerly not answered or not well, and new ones

Ferdinando Gorges' patent,⁴ 21 James, to restrain the free fishing in America, his answer short; because they were to give satisfaction for wood desire liberty for wood at pleasure, not within a quarter of a mile of the planters' habitation or fishing. (*MSS. of the Earl of Lonsdale*, p. 30.)⁵

³ The following day a select committee was appointed, "to pen, and order, and marshal the grievances, now reported, and ordered to be presented to his Majesty, and to make subcommittees" (*C. J.*, I. 865). No further report is given.

⁴ See *ante*, pp. 50-54, 57-60, 66, 69, 70.

⁵ Hist. MSS. Comm., *Thirteenth Rept.*, App. VII.; a parliamentary note-book compiled by "Mr. Lowther" (*ibid.*, pp. iii-iv).

CHARLES I.: THIRD PARLIAMENT.

Session of March 17, 1627/8-June 26, 1628 (3-4 Car. I.).

1627/8.

Mar. 24, HC. L. 1a. An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing, and fishing voyages, to be made and performed in and upon seas, sea-coasts, and places, of New-found-land, Virginia, New England, and other the seas, sea-coasts, and parts of America. (C. J., I. 874.)

Mar. 24, HC. An act for free fishing and for navigation in new-found-Land Newe England Virginia or the continent of America for takeinge all kind of fish. It is nowe enacted that all subjects of the kinge may goe and repayre into [unto] ¹ the sayd coasts and to have place as they shall arive with any ship above 28 tunne or more for fishing and to cut downe wood to repaire boats and shippes about fishing in newfound land Virginia or any [other] ² partes of America. 1. readinge. (MS. of Massachusetts Historical Society, f. 19.)³

1628.

Apr. 17, HC. L. 2. An act for the maintenance and increase of shipping and navigation, and for freer liberty of fishing, and fishing voyages,

¹ Lord Downshire's MS.

² Lord Lucas's MS.

³ Besides what is in the *Commons Journals*, the Parliament of 1628 is reported in many manuscripts, mostly made up by contemporary scribes (see Notestein and Relf, *Commons Debates for 1629*, pp. xxviii, xxxiii, xliii, lviii) and mostly consisting of formal reports of speeches, some sets of which found their way into print in Fuller's *Ephemeris Parliamentaria* and in Rushworth's *Collections*. Twenty-seven such manuscripts for this session were examined in England and Ireland by Dr. J. F. Jameson in 1912 and 1913. Of these only nine contained any matter relating to America additional to what is in the *Journals*. Five of these—manuscripts belonging respectively to the Marquess of Downshire, Lord Lucas, the British Museum (Harl. MSS. 4771), the Bodleian Library (a partial record, ending Apr. 5, in Rawlinson MSS. A 78), and Exeter College, Oxford—are so nearly identical in text with each other and with a manuscript of unknown provenance belonging to the Massachusetts Historical Society that all six must have had a common original. All are in a contemporary or nearly contemporary hand. For the text to be derived from these six, which furnish a larger amount of text for the purposes of this book, for this session, than any other manuscripts, that of the Massachusetts Historical Society MS. has been taken as a basis; any significant variations in the others have been noted. In the passage above given, though the variations in the MSS. of the Marquess of Downshire, Lord Lucas, and Exeter College are insignificant, Lord Lucas's MS. omits the provision respecting the cutting of wood.

Of the other manuscripts used for this session, Stowe MSS. 366 (Brit. Mus.) is a briefer report of the session, of the news-letter type, Stowe MSS. 367 much the same. The other two are records made by known individuals, Edward Nicholas, M. P. for Dover, taking notes for the Court (in *State Papers Dom.*, Charles I., vol. 97), and Sir Richard Grosvenor, M. P. for Cheshire, taking notes for his own information (Trinity College, Dublin, MS. 612).

to be made in and upon the seas, and sea-coasts, and places, of Newfoundland, Virginia, New England, and other the seas, sea-coasts, and parts, of America: Committed to Mr. Treasurer,⁴ Sir Ed. Coke, Mr. Spencer, Mr. Glanvyle, Mr. Mathewes, Sir Jo. Strangewaies, Sir Tho. Barrington, Mr. Solicitor,⁵ Sir Dud. Digs, Sir Walt. Earle, Sir Rob. Mansill, Mr. Noy, Mr. Cooke, Sir Eub. Theloall, burgesses of all the port towns, Mr. Hackwell, Sir Oli. Luke, Mr. Lister, Mr. Delbridge, Sir Hen. Martin, Mr. Goodwyn: Monday, Exchequer Chamber, two clock. (*C. J.*, I. 884.)

Apr. 23, HC. Mr. Glanvyle reporteth the bill concerning freedom of fishing in the parts of America, without any amendments.

Upon question, to be re-committed; and Lord Baltimere to be heard by his counsel. The committee to meet upon Saturday, two clock, in the Exchequer Chamber. (*Ibid.*, p. 887.)

Apr. 23, HC. Mr. Glanvile reported the bill for the free fishing in New England and Newfoundland without amendements: recommitted, being moved by Mr. Wansford⁶ that the Lord Baltimore might come to the committee: and make his claime at Saturday afternoon. (MSS. of Trinity College, Dublin, 612.)⁷

April 28, HC. The patent, concerning the Greenland Company,⁸ to be brought to the committee for grievances: the complaint to be there heard, and Capt. Goodlade⁹ to attend that committee. (*C. J.*, I. 889.)

Apr. 29, HC. The bill for free fishing, this afternoon, two clock, in the former place. (*Ibid.*, p. 890.)

Apr. 29, HC. The bill for free fishing, reported. *Engrossetur*. (*Ibid.*)

Apr. 29, HL. The petition of Jaques Rodier, of Mortague, in Xamtonge,¹⁰ near Rocchell, was read; shewing, "That, being bound from Newfoundland, in a ship of Mortague, called the *Golden Lyon*, loaden with fish, and intending to go to Rocchell to unlade the same, he was, on the 10th of September last, surprised and taken by Captain Gyles, commanding in a man of war called *The Neptune*, belonging to the Earl of

⁴ Sir Thomas Edmondes, treasurer of the royal household.

⁵ Sir Richard Shelton, Sheldon, or Shilton, solicitor general 1625-1634.

⁶ Christopher Wandesford, M. P. for Thirsk.

⁷ Rough notes of Sir Richard Grosvenor, M. P. for Cheshire, kept in five small books. See Notestein and Relf, *op. cit.*, pp. lxiii-lxiv.

⁸ The Greenland Company was a subsidiary undertaking of the Russia, or Muscovy, Company. An account of its activities is given in Scott, *Joint-Stock Companies*, II. 69 *et seq.* The company had recently obtained an Order in Council prohibiting the importation of whale-oil or whale-fins excepting by the company (*Cal. St. P. Dom.*, 1627-1628, p. 529). It was on account of the monopoly enjoyed by the company that the other English whalers appealed to Parliament. While the term "Greenland" was vaguely used at this time, and with many English writers was synonymous with Spitsbergen, the trade of the company extended to Greenland proper and to other parts of the North American continent. Strype, *Stow's Survey of London*, II. 347; Brown, *Genesis*, II. 609-610.

⁹ Capt. William Goodlad; also written Goodlard. Several references to his whaling expeditions are to be found in Sir W. M. Conway, *Early Voyages to Spitzbergen* (Hakluyt Society, *Works*, ser. 2, vol. XI.).

¹⁰ Mortagne-sur-Gironde, in Saintonge (*Xaintonge*).

Warwicke:¹¹ That, upon his petition to the Council table, it pleased the lords of his Majesty's Privy Council to refer the petitioner to the Court of Admiralty; requiring the judge, that, in case he could prove the said ship and goods to be Protestants goods, then the said ship and goods should be discharged; but the said Earl of Warwicke doth claim the privilege of Parliament, whereby the petitioner is deferred, and the said goods are like to perish; whereof he desireth this House to take consideration."

This petition being read; their Lordships referred the same to the committee for petitions. (*L. J.*, III. 774.)¹²

Apr. 30, HC. The Greenland business to be heard the first cause upon Friday next, by the committee for grievances. (*C. J.*, I. 890.)

Apr. 30, HL. Whereas Jaques Rodier exhibited his petition yesterday, shewing, "That his ship, called the *Golden Lyon*, being laden with fish, from Newfoundland, for Rocchell (the goods being Protestants goods), was surprised by Captain Gyles, commanding in a man of war belonging to the Earl of Warwicke; and that the Council table had required the judge of the Admiralty, that, in case the ship and goods were proved to be the ship and goods of Protestants, that they should be discharged; but the said Earl of Warwicke claims his privilege of Parliament, to defer the same;" the which petition of the said Rodier was yesterday referred to the Lords committees for petitions.

It was this day reported by the Earl of Essex, that the Earl of Warr.¹³ is contented to wave his privilege; so that the said order from the Council board may be withdrawn, and so proceed according to the ordinary course of law in the Admiralty.

Which was ordered accordingly.¹⁴ (*L. J.*, III. 776.)

May 3, HL. Whereas Jaques Rodier, of Mortague, in Xumtonge, near Rocchell, in France, exhibited his petition, "That the cause between him and the Earl of Warwicke, in the Court of Admiralty, touching the ship, called *The Golden Lyon*, and the goods therein taken by a man of war belonging to the said earl, may proceed to a trial;" the said Earl of Warwicke, being present, did assent thereunto, notwithstanding his privilege of Parliament. (*Ibid.*, p. 779.)

May 9, HC. At the comittee for greivances concerning the companie for Greenland 11 Jac. a pattent was graunted to the companie of English merchants for the discovering of new trade, and in that they pretend they first discovered [the] island and it is graunted that they and their successors onely shall have the trading there and to prohibit that noe oyle shall be brought from other partes, and there is a clause [that] if anie trade there, they may imprison them and to have power to minister an oath and to seise shippes and by coulour hereof they barr others from going into theis partes and they have power to admitt aliens or anie in to their

¹¹ Sir Robert Rich, second earl, who was interested in privateering and was associated with the foundation of the colonies of Plymouth, Massachusetts, Connecticut, and Rhode Island.

¹² Calendars also in Hist. MSS. Comm., *Fourth Rept.*, App. I, p. 15.

¹³ Warwick.

¹⁴ On June 17 Sir Henry Marten, judge of the Admiralty, addressed to the Council a certificate as to the ownership of this captured vessel. *Cal. St. P. Dom.*, 1628-1629, p. 166.

companie and they have power to proceed according to martiall law.¹⁵ As for the execution of this great power: anno 1617, as to one island called [] it was agreed that it was out of their pattent and that Hull men should fish and goe thether, yett the Hollanders by their consent came with strong hand and by force bett [beate] them out and 1618 they seised all the goods of Hull men: [and] 1625 they did the like and imprisoned others. 1626, the Londoners provided a shipp of warr of 22 peeces of ordinance to beate out the Hull men: [and] the Hull men went to another bay and the shipp of warr fell upon them and shott 4 peeces of ordinance without anie warning and 60 shott went cleare through [and through] and 2 men lost their armes but none were killed, they seised all their goods and soe all the lay was overthrowne.

As for the conveiance that Hull men should have the fishing there, first for that they live at sea and are fishers, also the Scotts and hollanders goe thether, they imploy 1000 persons thether, the grauntees of the pattent are the muscovie companie, they lease it out for rent. The Hull merchants are discouraged, the oyles are brought by the Londoners to London and they have soe armed themselves with power that they lett it goe at what price they please the prise is from 5 lb. to 25 lb. the tunne, alsoe while the muscovie companie kept it in their owne hands the oyle was at 12 lb. the tunne but since the graunt it is 24 lb. and it is not sufficient. (MS. of Mass. Hist. Soc., ff. 158-160.)¹⁶

May 16, HC. L. 3a. An act for the maintenance and increase of shipping and navigation, and for the freer liberty of fishing, and fishing voyages, to be made and performed in and upon the sea, sea-coasts, and places, of New-found-land, Virginia, New England, and the other seas, sea-coasts, and parts of America. Upon question, passed. (C. J., I. 898.)

May 16, HC. 3. An act for free fishing upon the coast of Virginia, New England, etc. Passed: to the Lords. (MSS. of Trinity College, 612.)

May 16, HC. An act for the increase of shipping, whereas fishing etc. is a nurserie of marriners and brings in bullion and diverse laws and statutes have been made for marriners and seamen: Be it enacted that all the kings subjects may freely goe to fish in newfondland, new England, [and] the parts of America and Virginia, at all times freely to fish as they arrive with shippes of 25 tun [and upwards] and that they may have power to cutt downe timber to repaire their ships and staies, and fires to dry fish, and that without all restraint of anie the kings subjects, provided that they cutt not downe anie wood within one mile of anie house built.

¹⁵ To prevent the Dutch and the English whalers outside the company from sharing in the success of the whaling industry, the Muscovy Company in 1612 applied to James for a monopoly of the "Greenland" fishing rights. The following year, by virtue of the discoveries of Willoughby in 1553 and because of the benefits to be derived from this trade, the monopoly was granted. See Scott, *op. cit.*, II. 53; Rev. George Edmundson, *Anglo-Dutch Rivalry during the First Half of the Seventeenth Century*, pp. 43-48.

¹⁶ The words inserted in brackets are from Lord Lucas's MS. The name of the island referred to is left blank in that manuscript also, and in those of Lord Downshire and of Exeter College. The "island" meant was the Spitsbergen group. See *ibid.*, pp. 43-56.

[It was] Ordered that this pass as a lawe. (MS. of Mass. Hist. Soc., f. 168.)¹⁷

May 16, 1628. At the comittee of grievances for Greenland companie. The Muscovie companie had a pattent in Queene Marie's time and in 11 Jac. they gott a new pattent for Greenland which is a countrie not habbittable, and to have the sole [trade] there and to putt out all the kings subjects and they sell oyle at a greater price than ever. This oyle is used in making sope and of cloth; this pattent is with martiall lawe, with power to seaze goods and to imprison men, and while wee have differed thus the Hollanders have beat us all out.

To this it was answered by the Greenland companie, if they object against the pattent, they say that it is noe more then the pattent 2 and 3 P. and Ma.¹⁸ and an act of Parliamt. 8 Eliz.¹⁹ The letters pattens of Qu. Ma. incorporate them by the name of []²⁰ and gave them power to sale into all partes not by the English frequented under the English ensignes and to possess all island and lands discovered by them, to saile to [into] all partes with their shippes with as manie marriners as they please, to discover anie island or creeke or parts of the world and to enter and to land in the same countrie, to our use and to the use of our heires, and we give and graunt all the maine lands of the moscovies and havens etc. of any kinge etc. not commonly frequented, which seas and ports shall not bee inhabited by any other of our subjects not beeing of that companie, and the act of parliament gave them all parts northward [and] northward²¹ not discovered nor commonly frequented by the English, and this Greenland²² 1553 was discovered by Sir Hugh Willoubie and he erected the English banner.

To this it was replied that Greenland was never onder any foraigne dominion, but if it were under anie it was under the English: *Arthurus Rex Anglie subjugavit Greeneland*. 1553 Sir Hugh Willoughbie discovered this island and ever since, that companie kept possession. 1578, they sent Sir Peter Fubisher²³ and soe every yeare they sent particular governours.

One Deiroe[?] ²⁴ a witnes saith that there was a great controversie betweene the Hollanders and the Muscovie companie, and the muscovie

¹⁷ Also in the MSS. of Lord Downshire, Lord Lucas, and Exeter College. The additional words in brackets are from Lord Lucas's MS.

¹⁸ Charter of 2 and 3 Philip and Mary (1555) to the Muscovy Company; text in Hakluyt, *Voyages* (ed. 1903-1905), II. 304-316. It gave the company power to traffic and explore in any regions hitherto unknown or heretofore not commonly frequented by Englishmen.

¹⁹ An act confirming the privileges of the charter, and made necessary by frequent violations of the latter on the part of English traders not members of the company. Printed in Hakluyt, *Voyages*, III. 83-91.

²⁰ "Merchants adventurers of England for the discovery of land, territories, isles, dominions, and seigniories unknown."

²¹ Lord Lucas's MS. reads "northward and southward". The charter reads "northwards, northeastwards, and northwestwards". Hakluyt, II. 304.

²² Meaning Spitsbergen.

²³ Lord Lucas's MS. reads "Sir Peter Furbusher" (Sir Martin Frobisher).

²⁴ Or Deicre. The name is partly illegible in all the manuscripts; Benjamin Deicrowe, a member of the Muscovy Company, is probably meant. See *Purchas His Pilgrimes* (Hakluyt Soc. ed., 1906), XIII. 24.

companie upheld it [or] else they [the Hollanders] had beaten out all foure nations. But to this it was replied that this was discovered long before and it is a great continent and it is large inough for all the kings subjects; and all parts are not yet knowne, the Dutch doe frequent that fishing with 2 or 3000 tun [per annum] and the Londoners use to goe with 2000 tun per annum. 1609 was the first yeare, they there found whales, they went to discover the north pole and they brought home an horne. 1611 they sent out a little shipp and a great shipp [and] the great ship was cast away, and 50 men put themselves into a []. Some got to Sherrey Island²⁵ and saw a shipp under sale, others went along the coast[s], and when a great suite was betweene the Hollanders and the londoners, the londoners onely defended it.

Sir Dudley Diggs: The Hollanders say this island is of their discoveringe, wee say it is of our discoverie. Our ground was because it was Willoughbies Island before it [he] was frozen upp.²⁶ All other nations gave way to the kinge of England but only the Dutch, and when all had yelded, the Dutch stood on *mare liberum*, and they have fought for it. By lawe of nations, where a place is not inhabitable [inhabited] *occupanti conceditur*.

Mr. Noy: This is Englands, but not²⁷ appropriate[d] to the English merchants. The patent of 2 Marie extends onely to that that is of the dominion of musco. and Russia. As for the discoverie, hee that puts himselfe into one part yet hee must not have all the trade there alone; 3 H. 5.²⁸ It appears wee fished at island 1609; then was a full discoverie, and an agreement to goe in a joynt charge. When it was discovered to bee a profitt the merchants of London clamed it. If the profit did arrise out of the land it was the discoverers, but the sea is free for all. And whereas they object that they kept it by force, their force was onely by their greatness here at home, the fairest way is only by way of accomodation: there was a difference betweene the hollanders and us and the counsell wished the muscovie companie to goe strong and soe they did. (MS. of Mass. Hist. Soc., ff. 170-171.)²⁹

May 17, 1609. The answer of the Moscovia Company, to the demands of Yorke and Hull, read. The consideration thereof, and of the patent 11 Jac. referred to Mr. Noy, Mr. Coke, Sir D. Digges, Mr. Ratcliffe, Sir Tho. Hobby, Alderman Clitherow, Mr. Coriton, Sir P. Hayman, Sir A. Ingram, Sir Tho. Ryddall, Sir Jo. Wentworth, Mr. Sherwill, Mr. Lyster, Mr. Selden, Mr. Harrison, Sir P. Riddall, Sir Nath. Rich, Sir Tho. Wentworth, Mr. Cage, Sir Edw. Scott, Mr. Godfrey, Mr.

²⁵ Bear Island, Spitsbergen, discovered in 1596 by Barents and Rijp. Some years later the island was visited by Stephen Bennet, who called it Cherie Island after his patron, Sir Francis Cherie, or Cherry, a member of the Russian Company. De Veer, *True Description of Three Voyages by the Northeast* (translation pub. by Hakluyt Society, 1853), pp. lxxxiv, 76.

²⁶ In the *Bona Esperanza*, in 1554, on the Baltic coast of Russia.

²⁷ Lord Lucas's MS. reads "Englands but appropriated".

²⁸ No reference could be found in the statutes of this year that would seem to apply here.

²⁹ Also in the manuscripts of Lord Downshire, Lord Lucas, and Exeter College. The words here inserted in brackets are from Lord Lucas's MS.

Mathewes, Mr. Wandesford, Mr. Gallopp, Mr. Towerson: this afternoon, two clock, in the Exchequer Chamber. (*C. J.*, I. 899-900.)

May 26, HC. Eight bills sent up to the Lords; *viz.* 1. The bill for free fishing upon the parts of America: . . . (*Ibid.*, p. 904.)

May 26, HC. 8 ingrossed bills sent up by [to] the Lords. 1. The act for fishing upon the cost of Virginia. (MSS. of Trinity College, 612.)

May 26, HC. Mr. Ratcliffe reporteth from the committee, concerning the Greenland Company.

Sir Edw. Coke: That nothing resolved at the grand committee for grievances; but inclined, that the letters patents, 1. and 2. Ph. et Mar. and the act of Parliament, 8. Eliz. extended not to this.

Resolved, to let this alone till to-morrow morning: and Mr. Alderman Molson and Mr. Alderman Clitherow, as of themselves, to move the company, in the mean time, to yield the Hull and Yorke men, for this year, 500 ton of shipping, upon the same terms, as they had, by mediation of the Lords of the Privy Council, last year;⁸⁰ and to bring their answer to-morrow morning. (*C. J.*, I. 905.)

May 26, HC. *Mr. Ratcliff* reports touching Greenland, the Muscovie company pretend a pattent made unto them, [the] 11 Jac. and say that thereby all other are excluded. There were 3 reasons [questions] at the comittee: 1, when one discovers parte of a continent whether hee have interest in all that continent or noe; 2, whether hee may have the sole fishing and all other English subjects bee excluded; 3, if it may how farr shall this priviledge extend. In the pattent there is a clause to seize goods and imprison persons, and the companie hath power to examine uppon oath, uppon anie interrogat[o]ries, and if anie refuse hee is to bee imprisoned till hee conforme himselfe and allsoe they and their factors and officers may punnish offenders according to martiall lawe, to bee tryed by jurie and they have power to joyne aliens to their companie and they soe taken as other the subjects.

The comittee found that [one] island were [was] discovered by the Hullmen.

Sir Edw. Cooke: There was a pattent 2 Mar. alsoe a statute 8 Eliz. a patent 11 Jac. but the pattent 2 Ma. and the statute 8 Eliz. extend not to this as was conceived, and they themselfe said that the whale fishing was then in another place, and by disorderly fishing they left that place and came hether and 11 Jac. there was a new pattent.⁸¹

Mr. Corriton:⁸² The pattent is ag[ains]t the lawe, it hath martiall lawe annexed to it.⁸³

⁸⁰ The company was to admit three of the merchants of York and three of Hull, to be adventurers with those of London in a joint stock, under the patent. *Cal. St. P. Dom.*, 1627-1628, p. 10.

⁸¹ See note 15, *ante*.

⁸² William Coriton, M. P. for Cornwall.

⁸³ Harl. MSS. 4771, ff. 197-198, attributes this speech to Sir Thomas Wentworth. Lord Lucas's MS. does the same, but adds, as a part of it, the words "but let us go the old way, we cannot but give our opinions that this patent is a grievance", attributed to Coke in the next paragraph of our text, mentioning here no second speech of Coke and omitting the ensuing paragraph here attributed to Wentworth.

Sir Edw. Cooke: Diverse clauses in the patent are ag[ains]t the lawe, but lett us goe the old way, wee cann't but give our opinions that this patent is a grievance.

Sir Tho. Wentworth: Wee are not readie to judge it as a grievance. This was a new discovery 1609, and therefore could not bee in the patent 2 Mar., or 8 Eliz.

*Mr. Royden:*³⁴ When the whale left Sabastian³⁵ and came to this coast which was 1609 there was joy in all the ports, lett all the ports have libertie to fish there if they will.

Sir Nath. Rich: It doth not stand with the honour of this house to make a declaration ag[ains]t a patent from the king, but to goe by petition to his Ma'tie, [and] it will bee dangerous till wee have heard it; lett the governour bee sent for, and lett it be signified to them what is the opinion of the house and that they may come to justifie it if they will. (MS. of Mass. Hist. Soc., f. 198.)³⁶

May 26, HC. *Sir E. Coke:* Three pattentes for Greenland fishinge, vizt. 2 and 3 Philip and Mary, [8] Elizabeth and 11 Jacobi; and that the last pattent is very longe and voluminous.

*Phellipps:*³⁷ That this pattente for the Greenland fishinge have diverse clauses in it to the prejudice of the libertie of the subject; would have the House to declare that the fishermen of Hull and Yorke should have leave to send to that fishinge this yeare 500 ton of shippinge as they desire, notwithstandinge the pattent of the Greenland Company, and that afterwards the House would take into further consideracion that pattent.

Coriton: Would have the pattent of the Greenland Company condemned here presently as a greevaunce.

Sir E. Coke saith, we cannot sentence any pattent to be a greevaunce, for we saw that in Flouds case we then exceeded our power,³⁸ but we may here in this House declare a pattent to be a greevaunce in creacion and execucion.

Sir Thomas Wentworth: That for that the Muscovia Company doth enhaunce the prize of oyle, and by keepinge it all in their owne handes they make as much benefitt by sellinge of one thousand tons of oyle, as by the sale of 2000 tons they have used and ought to doe, which is a great greevaunce to the comonwelth: therefore moveth that the Muscovia Company may be sent for to the House, and that the Speaker may here in the House enjoyne that company to permitt 500 tons of shippinge to goe from Hull and Yorke for that fishinge this yeare.

³⁴ Marmaduke, afterwards Sir Marmaduke, Rawdon or Royden, M. P. for Aldeburgh.

³⁵ San Sebastian, on the northern or Basque coast of Spain.

³⁶ Lord Downshire's MS. and that of Exeter College agree exactly with this record; that of Lord Lucas and Harl. MSS. 4771 agree with it except in the particulars mentioned in note 33, *ante*. Other records of the debate, somewhat divergent, derived from other manuscripts, follow.

³⁷ Sir Robert Phellipps, M. P. for Somersetshire.

³⁸ The case of Edward Floyd, 1621; see Gardiner, *History of England*, IV. 119-122.

*Sir N. Ritch:*³⁹ Doubts it will not stand with the justice of the House to make a declaracion against a pattent before we have examined the pattent: butt wisheth the Muscovia Companie may be sent for, and to tell them, that if they shall not permitt the Hull men to goe with 500 tons of shippinge, then if uppon consideracion of their pattent we shall finde their pattent to be a greevaunce, we shall then doe our best to make them pay the charge to those of Hull.

*Mr. Treasurer:*⁴⁰ That uppon hearinge of the difference betweene the Muscovia Company and those of Hull and Yorke tradinge to fishinge att Greenland, Alderman Freeman for that company did say that if those of Hull would undertake to defend and maynteyne that fishinge against strangers, the Muscovia Company would give it over to them, but those of Hull refused to undertake the same.

*Mr. Cage:*⁴¹ That those of Hull had the last yeere leewe to send to that fishinge 600 tons of shippinge, and they desire this yeere but 500 ton, which will content them.

There is noe order made in this busines but it is left tacitly, that the aldermen now here may intimate to that company that the sence of the House is that those of Hull ought to send this yeere 500 ton of shippinge to that fishinge. (State Papers, Dom., Charles I., vol. XCVII., ff. 78-79.)⁴²

May 26, HC. *Mr. Radcliffe* reported the letters patents of the Muscovia marchants for inhabiting Greenland, Cherry Islands,⁴³ prohibiting all others to inhabit ther. Forfett of ships and goods. Imprisoninge. Power to examine upon oath any man [concerning?] that voyage, and to committ the partie refusing to any prison in London without bayle.

Sir Ed. Coke: That many of the clauses in the patent are voyd.

Sir Tho. Wentworth: We are not ripe to adjudge this patent a grevance, till call all parties to answer for themselves. Moved to have the patent of 11 Jac. referred to the grand committee. That the marchants of Hull discovered this place as soon as the Muscovy Company.

The answer of the marchants very unfitt: moved that the Hull and York men who were redy to goe forth with 500 tun of shipping to Greenland there to inhabite be permitted by the marchants, and they sent for to this house are required to doe it, till such tyme as the busines were hard here.

*Sir Tho. German:*⁴⁴ That the Privy Counsell of the house from us shold move the kinge that he would take some course to give way with safety for the Hull marchants to fish there.

³⁹ Sir Nathaniel Rich, M. P. for Harwich, who later became deputy-governor of the Providence Island Company.

⁴⁰ Sir Thomas Edmondes.

⁴¹ William Cage, M. P. for Ipswich.

⁴² Notes of Edward Nicholas, secretary to the Admiralty, M. P. for Dover; see Notestein and Relf, *op. cit.*, pp. lxi-lxiii.

⁴³ See note 25, *ante*.

⁴⁴ Sir Thomas Jermyn represented Bury St. Edmunds; there was also Thomas Jermyn, M. P. for Clitheroe.

Sir Nat. Rich: We were not ready to goe to the king by petition: lest we give an ill construction, that we desire the king to condemn his own patent before we examine it. Moved to send to the marchants and wish them to let the shipping goe, or else we wold doe our best, if there patent proved bad, to make them pay the Hul merch[an]ts damages. (MSS. of Trinity College, 612.)

May 27 [26], HC. *Mr. Ratcliffe* reports the opinion of the committee concerninge the fishing towards Groinland and the difference betwixt the London merchants and those of Hull and Yorke. Letters pattents were granted, the 2 and 3 of Phil. and Mary, the 8 of Queene Elizabeth, and the 11 of Kinge James. Many branches of the pattent seeme to bee against lawe. Some thought fitt to sollicite the king so to governe the compaigny that the merchants might agree, others that the Yorke and Hull merchants who are allready prepared might freely send there 500 tunnes for fishing this yeare in expectance of farther accommodation. But because nothing was resolvd by the committee, the busines was recommitted. (British Museum, Stowe MSS. 366, f. 192.)⁴⁵

May 26, HL. *Hodie allatae sunt a Domo Communi octo billae:*

2. An act for the maintenance and increase of shipping and navigation, and for the free liberty of fishing and fishing voyages to be made and performed in and about the seas, sea-coasts, and places of Newefoundeland, Virginia, Newe England, and other the seas, sea-coasts, and parts of America. (*L. J.*, III. 823.)

May 27, HL. *Hodie 1a vice lecta est billa*, An act for increase of shipping, etc. and fishing, in the seas and sea-coasts of America. (*Ibid.*, p. 825.)

May 28, HL. *Hodie 2a vice lecta est billa*, An act for increase of shipping, etc. and fishing voyages, in the parts of America, etc.

Committed unto, etc.⁴⁶ (*Ibid.*, p. 827.)

May 31, HL. The Lords committees on the bill for fishing in the seas of America, etc. are to meet on Wednesday, at two *post meridiem*. (*Ibid.*, p. 834.)

June 3, HC. Greenland patent to be first heard to-morrow, at the committee for grievances; and the parties to be warned to attend with their counsel, if they will use any. (*C. J.*, I. 908.)

June 3, HC. The Greenland Company appoynted to attend tomorrow at the committee of grevances, and their patent to be first examined. (MSS. of Trinity College, 612.)

June 4, HC. A petition from the planters of the Summer Islands.⁴⁷

⁴⁵ Notes of William Borlase, M. P. for Chipping Wycombe.

⁴⁶ The names of the members of this committee are not given in the *Journals*.

⁴⁷ See next entry for the text of this petition. The Somers or Bermuda Islands, following the shipwreck there in 1609 of Sir George Somers, were claimed by the Virginia Company under the grants of its charters. Lacking the required capital to colonize the islands, this company in 1612 sold its rights and interest in them to a new company which was chartered in 1615. (*Cal. St. P. Col.*, 1574-1660, p. 17; Scott, *Joint-Stock Com-*

Sir Edw. Coke, Sir W. Earle, Sir Nath. Rich, Sir D. Digges, Sir Ro. Pye, Sir Tho. Grantham, Alderman Molson, Sir Tho. Barrington, Sir P. Hayman, Sir Ben. Rudyard, Mr. Coke, Mr. Harrison, Sir Ch. Morrison, Mr. Pymme, Mr. Mathewes, Mr. Kirkham, Sir M. Fleetewood, Sir Ro. Phillippes, Mr. Rolles, Alderman Clitherow: to-morrow afternoon, two clock, in Exchequer Chamber. (*C. J.*, I. 908.)

[June 4], HC. The humble petition of the poore planters in the Sommer Islands, beeing above threescore.

Most humbly sheweth, that whereas the greatest part of your poore petitioners have lived in the said islands ever since the infancy of the plantation there, and imployed all their estates and industry in fortifying the same by the space of six yeares, without any proffitt att all.

So it is (may it please your Lordships) that your poore petitioners coming of late for England with some small meanes in tobacco to relieve themselves and familyes, the same hath remayned neare 4 moneths in the customhouse under an imposition of 9 *d.* in the pound:⁴⁸ and since the detayning thereof the price of tobacco is fallen a third penny, and will not yield us 9 *d.* the pound cleare although wee pay no duties to his Majestie.⁴⁹

May it further please your Lordships the most part of your petitioners have ever since their coming into England, gone upon the skore⁵⁰ for victualls lodging and clothes and those worne out yet unpaid for. And some are arrested, and the rest of us in daily danger to bee arrested; and some are turned out from the places where they lay to shift for themselves, amongst which are women and children, and all of us driven to that extremity that wee shall never bee able to retorne to our children and families in the islands (who are like to perish there) without your Lordships speedy favour herein.

All which their necessities and distressed case, they most humbly present to your Lordships beseeching your honours the time for their retorne (if at all) being short, that your Lordships wilbee pleased to vouchsafe your favourable mediation and meanes to his Majestie that his poore miserable subjects, your suppliants may have their tobaccos by bills of store⁵¹ for this present yeare. And when any further order shall by his Majesty and your Lordships wisdomes bee taken for regulating of that commodity, wee will in all dutifull obedience submitt unto it, and

panies, II. 259-260, 262; Newton, *Colonizing Activities of the English Puritans*, p. 20; Lefroy, *Memorials of the Bermudas*, I. 56-104.) For accounts of the conditions arising out of the tobacco monopoly on account of which this petition was presented, see Scott, *op. cit.*, II. 289-292; Bruce, *Econ. Hist. Va.*, I. 276-290; and numerous records printed in Lefroy, *op. cit.*

⁴⁸ The duty on Spanish tobacco was two shillings a pound; for that of the West Indies, twelvenpence; while on the product of Virginia and the Bermudas, it was reduced in 1623 to ninepence, one-third this amount as customs and two-thirds as imposts. Lefroy, *op. cit.*, I. 294, 298; Bruce, *Econ. Hist. Va.*, I. 290.

⁴⁹ At this time Bermuda tobacco brought, at wholesale, about two shillings a pound. Lefroy, *op. cit.*, I. 416 n., 479.

⁵⁰ *I. e.*, gone into debt.

⁵¹ Custom-house licenses granted to merchants to carry stores and provisions duty free.

ever pray for his Majesty and your Lordships long lives and eternall felicity.

ROBERT STAPLES, minister ⁵²

RICHARD LEICROFT

WILLIAM BULLOCK

ABRAHAM SHEERES

RICHARD WALLET

ROBERT CROFTS

SAMUELL TATEM

JOHN HALL

CHRISTOFER CROFTS

PEREGRINE BRITTAINE

SIMON BARRETT

EDWARD BURGES

THOMAS DALAMORE

JAMES TEIGE

GEORGE VITTALL

EDWARD CROFTS

HOWELL MORRIS

DANIELL FUNG

THOMAS DEWE

RICHARD PHILLIPPS

JOHN MARSH

JOHN WATERS

JOHN HOWELL

GEORGE TENANT

WILLIAM RAGGEDALL

WILLIAM BENNETT

ROBERT HARRISON

JAMES WHARLY

ROBERT THURLINGTON

HENRY DIXON

ALEXANDER MARE

PERCIVALL NEALE

FRANCIS BOULTON

ROBERT BURGESSE

BEN : HARRISON

GEORGE NEEDHAM

NICHOLAS RAINTON

GILES MARSH

THOMAS POWELL

CHRISTOPHER LAFIELD

JOHN PARRETT

HENRY JOHNSON

JOHN WEBB

EDWARD DIXE

HENRY TREADWELL

JOHN HADDON

WALTER WOOD

ROBERT DOWNMAN

THO : LULLETT

WILLIAM BANISTER

HENRY CLARK

EDWARD PLUMER

CHARLES OVERTON

RICHARD BOSSE

DANIELL SARES

MATHEW THOMAS

WILLIAM HORNWALL

WILLIAM BAKER

PHILLIPP FREESTON

ANNE HEYES and her children

ABIGALL BENTS

SARA PROSSER and her children

ANNE HAVARD

MARY COALES

ANNE WOOLSEY

ANNE SMITH

ELIZABETH BISHOP

JANE WEST

(P. R. O., C. O. 1: 4, no. 53.)⁵³

June 4, HC. A petition concerning the adventurers and planters of the Somers Islands called the Bermudas, which shows that the sole commodities transported from thence is tobacco, of which the imposition was but of late 3 *d.* a pound, and now it is increased to be 9 *d.* which doth now lie so heavy upon them that they cannot subsist by it being now

⁵² Minister of Pembroke and Devonshire tribes and, for some time, member of the council. He was dismissed from the company, reinstated and appointed to Hambleton tribe in 1629, and finally dismissed in 1630. Lefroy, *op. cit.*, I. 707-708.

⁵³ Printed in Lefroy, I. 480-481. This petition, presented July 7 to the Privy Council (*Acts P. C. Col.*, I. 125), was the same as that presented to the Commons. *Cal. St. P. Col.*, 1574-1660, p. 91.

a full value of the third part of the value though. A select committee to take consideration of this business. (*MSS. of the Earl of Lonsdale*, p. 33.)⁵⁴

June 13, HC. Petition, Summer Islands: this afternoon, for . . .⁵⁵ Sir Jo. Davers, Sir Tho. Wroth, Mr. Cope, Mr. Waller. (*C. J.*, I. 912.)

June 13, HC. Greenland patent referred to the former select committee:⁵⁶ Monday, two clock, Court of Wards. Muscovia Company notice, and counsel, if they will. (*Ibid.*)

June 14, HL. The committee of the bill for fishing, etc. on the coasts of America, etc. are to meet on Wednesday next, at two, in the Painted Chamber. (*L. J.*, III. 855.)

June 16, HC. Mr. Pymme reporteth from the committee for the Summer Islands.

Upon question, a petition to be drawn to his Majesty, concerning this imposition.

This to be drawn by Sir Nath. Rich, Mr. Pymme, Mr. Packer, Mr. Rolles: Treasury Chamber, to-morrow morning, seven clock. (*C. J.*, I. 914.)

June 16, HC. Mr. Pime [*Pimme*]: reported touching the Summer Islands. An imposition of 3 *d.* the pound was layd upon tobacco, and after was layed an imposition of 2 *s.* and their goods was seised and after much suite it was abated to 9 *d.* the pound and there is a proclamacion to prohibit them to carry tobacco in certaine places.⁵⁷

[It was] Ordered that this bee drawne upp in a petition as a greivance. (*MS. of Mass. Hist. Soc.*, f. 258.)⁵⁸

June 16, HC. Mr. Pym reported a petition of the Sommer Ilands, who complained that wheras ther goods tobacco had been rated at 6 *d.* per pound and an imposition of 3 *d.* a pound put on them by Middlesex;⁵⁹ that they could have but 2 *s.* 4 *d.* for the best tobacco. And an impositcion of 2 *s.* a pond sett on them: there goods seized: but restored if they wold pay 9*d.* upon every pond. That if they carried any of it out, yet they cannot have there custome agayne. That they are not suffred to land ther goods in any other place than England: that they requested to have this by petition commended to his majesty as a grevance.

Ordered such a petition to be drawn. (*MSS. of Trinity College*, 612.)

June 16, HC. A petition, from the Virginia Company, read.⁶⁰ This referred to the former committee. (*C. J.*, I. 914.)

⁵⁴ Hist. MSS. Comm., *Thirteenth Rept.*, App. VII.; a parliamentary note-book written with great "neatness and regularity" . . . and "probably compiled from memory or from rougher notes made during the debates" (*ibid.*, p. iv).

⁵⁵ The omission is in the *Journals*.

⁵⁶ The committee is given in the entry of May 17.

⁵⁷ See note 48, *ante*.

⁵⁸ With slight additions, in brackets, from Lord Lucas's MS.

⁵⁹ Lionel Cranfield, first earl, who had been surveyor of the customs and lord treasurer. See *Am. Hist. Rev.*, XXVII. 493-538, 738-765.

⁶⁰ The text of this petition was not found. Since it and the petition from Bermuda were referred to the same committee, it is likely that it also complained of tobacco restrictions and impositions. See petition of the Commons to the king, below, p. 95; Chalmers, *Political Annals of the Present United Colonies*, I. 117. In March of this year, following the king's proclamation of 1627 setting forth that all colonial tobacco

June 19, HC. The petition, for the Summer Islands, read, and ordered to be ingrossed.⁶¹ (*Ibid.*, p. 915.)

[June 19], HC. To the Kings most excellent Majestie Most gracious Soverraigne

The redresse of the pressures of your good people whether they concerne them all in generall, or some societie and persons of them in particular is that which as we knowe your Majestie in that pietie and goodnes of your disposition doth much delight in, so doth it concerne us your loyall Commons assembled in Parliament in discharge of the trust committed unto us by those whome wee represent, dutifullie to offer theire just greifes unto your gracious view, and to crave helpe from your princely justice for the same. We doe therefore most humblie beseich your Majestie to take into your gracious consideration the heave pressures of your loveing subjectes the adventurers and planters of the Summer Islandes, who haveinge about fyfteene yeares since first discovered that place, and finding it to be of verie greate importance, as well in regard of the goodlie harbour there, as also of the naturall strength and healthfulnes of the islandes themselves. and apt scituation for advantage upon the West Indies: the adventurers obtayned letters patentes from your blessed father under the greate seale of England⁶² with dyvers priveledges for theire better incouragement to attempt the plantation and fortifying of them, which with labour and much hazard they have at theire owne exceeding greate charge through Godes blessing now effected, and have transported from hence above two thowsand people who at this tyme doe inhabite there,⁶³ have builte many howses, diverse churches, fortes and castles, and furnished them with ordnance and amunition; all which with theire governor preachers, captaines and officers are mayntained at a greate yearely charge. And towards the large summs of monny expended in this plantation, the support of theire annuall charge, the maintenance of all the inhabitantes there, and continewall imployment of shipping thither, the said islandes doe for the present yeilde no valueable benefitt, but such as is made by the tobacco that growes there which is not much, and sould at a very lowe rate, yet that poore commoditie which is the lively hood of so many of your loveing subjecttes, is by your Majesties ministers so overcharged and the said company so continuallie molested concerning the same, that being infinitely disheartned, that noble worke (now growne to some perfection) is in dain-

had to be sold, under special license, to royal commissioners, the Virginia assembly proposed to contract for sale to the crown of 500,000 lbs. yearly at 3 s. 6 d. a pound. The petitions to the king and Privy Council on this subject complain that for six years they had "groaned under the oppression of unconscionable and cruel merchants . . . by unreasonable and unjust contracts", and that they had "perpetually laboured in the confused labyrinths" of tobacco contracts. These petitions are printed in H. R. McIlwaine, *Journals of the House of Burgesses of Va.*, 1619-1658/9, pp. 45-50; and in *Va. Mag. Hist.*, VII. 260-264. See also *Cal. St. P. Col.*, 1574-1660, pp. 89-90; Beer, *Origins*, pp. 149-150; and Bruce, *Econ. Hist. Va.*, I. 285-287.

⁶¹ This petition which was drawn, in accordance with the order of June 16, to be presented to the king, is printed below.

⁶² The charter of James I., dated June 29, 1615, copied from the original now in the Public Record Office, is printed in Lefroy, *Memorials of the Bermudas*, I. 83-98.

⁶³ Smith (*True Travels, Adventures, and Observations*, London, 1630, p. 45) gives the population at this time as 2000 or 3000.

ger to be undone, and great numbers of your loveinge subjectes utterlie to perish.

The particular greivances which we humblie offer to your Majesties consideration in their behalfe, and wherin both your Majesties honnor and the common libertie of the subject is concerned, are theis.

That not onelie contrarie to the lawe, but directly against an expresse graunte made to the saide company by their letters patentes (by which it is provided that they should be free from all taxes, and impositions saving onelie fyve per centum in the name of custome upon their goodes from thence imported) your Majesties ministers doe requier of them above fyve tymes more then is due by the said covenante, and graunt, for the ordinarie price of their tobacco being but two shillings six pence the pownd (the custome whereof ought to be but three halfe pence) their goodes are deteyned from them unles they will pay nyne pence per pownd, and heretofore more hath been demaunded, and their goodes so long kept untill partlie throughe perishing, and partlie through losse of the markett, the adventurers and planters have been forced to pay, and been otherwise damnified more then halfe so much as their goodes came unto.

Upon exportation of what they cannot sell here, they are denied to have any parte of the saide imposition to be returned, though all other marchantes both straingers and natives upon all commodities whatsoever in that kinde exported doe receive backe their imposition formerly paid. And thus the burthen of your poore subjectes, who have so well deserved both of your Majestie and their countrie in the undertaking and effecting of this pious and honorable worke is become most insupportable. And herein your Majesties profitt (which yet is the onlie thing pretended) is much lessned, for if neither your Majesties lawes, nor speciall graunt can secure your well deserving subject in the course of marchandize and adventure, all trade and industrie that way will wholly be left, and your kingdome theirby fall into suddaine and irrecoverable weakenes and povertie.

Wee humblie therefore beseich your most excellent Majestie to graunt your poore subjectes the adventurers and planters of the said islandes such releife in the premisses as is both agreeable to your princely justice, and may encourage them, and others (especiallie in their tymes) to the attempting and prosecution of such dessignes, as may tend to the advancement both of your Majesties honnor and profitt, and to the generall good and benefitt of your kingdome.⁶⁴ (P. R. O., C. O. 1: 4, no. 55.)⁶⁵

June 20, HC. The ingrossed petition, for the Summer Islands, read . . . and allowed to be presented to his Majesty, by Lord Carey, Sir Wm. Herbert, Sir R. Freeman, and Sir H. Mildmay, and Sir Wm. . . .⁶⁶

Sir R. Freeman to read them to his Majesty. (C. J., I. 916.)

June 20, HC. A petition for the privileges granted to planters in the Somers Islands, and for easing them of impositions set upon the tobacco.

⁶⁴ The history of the tobacco industry in the Bermudas is well outlined in Beer, *Origins*, pp. 259–264.

⁶⁵ *Cal. St. P. Col.*, 1574–1660, p. 92.

⁶⁶ This name is not given in the *Journals*.

With other petitions presented to his Majesty in the name of the Commons in the behalf of them. (*MSS. of the Earl of Lonsdale*, p. 50.)⁶⁷

June 21, HC. Committee—Virginia Company—this afternoon, two clock, former place. (*C. J.*, I. 917.)

June 23, HC. Ordered, the Greenland business shall be reported to-morrow morning. (*Ibid.*, p. 918.)

June 23, HL. The committee on the bill for shipping, etc. on the coasts of America, etc. are to meet this afternoon. (*L. J.*, III. 872.)

June 23, HL. The committee for shipping in America, etc. to meet on Wednesday next, by two in the afternoon. (*Ibid.*, p. 874.)

June 24, HC. Sir Raphe Freeman reporteth, that he delivered the three petitions to the king, and read them to him. . . . The second, for the Summer Islands: both which, his Majesty said, he would take into consideration. . . .⁶⁸ (*C. J.*, I. 918.)

June 24, HC. Sir P. Hayman reporteth the business, concerning the Virginia Company.

The committee, that was for [the] Summer Islands petition, to draw a petition for [];⁶⁹ with addition of Sir P. Hayman: to-morrow morning, seven clock, [Court of] Wards. (*Ibid.*)

June 24, HC. Mr. Delbridge:⁷⁰ For the inconveniencie of it [it]⁷¹ will destroy trade, there is now 40 on the hundred on tobacco that comes from Bermudas or Virginia. (*MS. of Mass. Hist. Soc.*, f. 269.)

June 25, HC. A report from the committee, concerning Greenland patent, made.

Upon question, the Muscovia Company's barring any Englishmen from fishing in Greenland, is a grievance.

Sir Jo. Lyster, Sir Ar. Ingram, Sir Tho. Wentworth, Mr. Ratcliffe, Mr. Cage, Mr. Waller, Alderman Hoyle, to draw up this petition: two clock this afternoon, Court of Wards. (*C. J.*, I. 919.)

June 25, HC. Mr. Ratcliffe reports from the committee about Greenland concerning the patent made to the muscovie company 11 Jac.

Sir Edw. Cooke: This patent is exhibited [excepted]⁷² in 11 Jac.

[It was] Ordered that the muscovie company, barring the English nation from fishing in Greenland is a grievance and that a petition be drawne to present to his Ma'tie. (*MS. of Mass. Hist. Soc.*, f. 271.)

June 25, HC. The petition, for the planters of Virginia, read. *Engrossetur*. (*C. J.*, I. 919.)

⁶⁷ See note 54, *ante*.

⁶⁸ On July 7 the Privy Council, to whom the petition for relief was also presented, ordered an abatement of 3*d*. impost upon the tobacco detained, but the petitioners were also ordered to plant less tobacco in the future. *Acts P. C. Col.*, I. 125-126.

⁶⁹ Note in *Journals*: "*Sic Orig.*" The omitted words obviously referred to the king, since this petition was taking the same course as the one from the Bermudas. See below, under date of June 25. The petition to Charles in the interests of the Somers Islands planters was drawn by Rich, Pym, Packer, and Rolles (see under June 16, *ante*).

⁷⁰ John Delbridge, merchant, M. P. for Barnstaple, in the debate on the bill for tonnage and poundage.

⁷¹ From Lord Downshire's MS. That of Lord Lucas omits "of it".

⁷² Lord Downshire's MS. and that of Lord Lucas read "excepted". The Exeter College MS. does not contain this passage.

[June 25], HC. To the Kings most Excellent Majestie.
Most gracious Sovereigne

Your Majesties loyall and dutifull Commons having taken into their considerations that your Majesties late royall father of most happie memorie by his letters patents did graunt to the adventurers and planters of Virginia amongst other priviledges and immunities, that they should be free from all customes and taxes whatsoever upon the commodities of that place saving only 5 *li.* per cent which was the proportion then graunted by the act of tonnage and poundage; whereupon they tooke encouragement to transport themselves and their servants thither, and are at this present there about the number of three thousand ⁷³ (as wee are informed) and others have adventured their estates in trade to that place, yet neverthesse of late yeares their immunities and freedoms have been so denied them, that in steed of 5 *li.* per cent they are enforced to pay 3 *d.* upon every pound of tobacco as custome, and 6 *d.* upon every pound as impost which ammounteth to 30 *li.* per cent, their tobaccoes one with another, not yeilding above 2 *s.* 6 *d.* the pound. Their masters of shippes are bound in great bonds not to carry tobacco exported from thence into any other parts but England; notwithstanding by reason of the great quantities brought from other parts, as that which is planted heere, they cannot vent it, and being so constrayned to bring in all their tobacco, they are debarred upon transporting it again to receive their impost back as all other marchants both natives and strangers in like cases doe. And further, commissions have been graunted to divers for buying of their tobaccoes to your Majesties use, upon such contracts and conditions as tended to their great losse and prejudice, the apprehension whereof hath much dishartened the whole colonie:

It may therefore please your most Excellent Majestie, upon consideration of the premises and for the releife of your said subjects the adventurers and planters of Virginia, to free them from those impositions that are both contrarie to the lawes of the realme, the liberties of the subject, and the graunts by which they were induced to undertake the plantation, and that they may not be inforced to bring their commodities only hither where they cannot vent the same, nor by any wayes greived or troubled in the prosecution of so pious and honourable a worke. (MSS. H. of L.)⁷⁴

⁷³ In May, 1630, Governor Harvey estimated the population at 2500. *Cal. St. P. Col.*, 1574-1660, p. 117.

⁷⁴ Endorsed, "Petition Virginia Merchants". Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 19.

The long-standing controversy between the king and the Commons, concerning the royal prerogative and the rights of parliaments and growing out of the Petition of Right and the Remonstrance on the question of tonnage and poundage, had now reached a crisis, and the following day Parliament was prorogued. Gardiner, *Hist. of Eng.*, VI. 311-325; Ranke, *Hist. of Eng.*, I. 566-579.

Session of January 20–March 2, 1628/9 (4 Car. I.).

1628/9.

Feb. 5, HC. L. 1a. An act for confirmation of the letters patents, made by our late sovereign lord King James, to the governor and company of the city of London, for the plantation of the Summer Islands.¹ (C. J., I. 926.)

Feb. 10, HC. L. 2a. An act for confirmation of the king's letters patents, made by our late sovereign lord.

Committed to Mr. Pymme, Sir D. Digges, Sir Nath. Rich, Sir Tho. Wroth, Sir Tho. Barrington, Sir Jo. Wray, Sir Jo. Maynard, Mr. Wyld, Mr. Coxe, Sir A. Ingram, Sir Ro. Harley, Sir Ben. Rudyard, Sir Wm. Fleetewood, Mr. Harrison, Mr. Goodwyn, Sir Rich. Tichborne, Mr. Hackwyll, Mr. Sherfeild, Sir Tho. Grantham, Mr. Bellasys, all burgesses of port towns, Sir H. Mildmay, Sir Francis Darcy, Lord Rochford, Sir Ro. Maunsell, Sir Wm. Constable, Mr. Selden, Sir Tho. Culpepper: Thursday next, two clock, in the Star-chamber. Sir Nath. Rich to have the care of the bill.² (*Ibid.*, p. 928.)

Feb. 23, HC. Committee for Summer Islands, Wednesday next, afternoon, in the former place: Mr. Delbridge, Mr. Purphury, knights and burgesses of Devon, barons of Cinque Ports, Mr. Tomlyns. . . .³ (*Ibid.*, p. 932.)

¹ The charter of June 29, 1615, see p. 92, note 62. This item is also given in the Notes of Sir Edward Nicholas, printed in Notestein and Relf, *op. cit.*, p. 126.

² Scott (*Joint-Stock Companies*, II. 291-292) states that this bill was first introduced on this date. The authority cited is *The Proceedings and Debates of the House of Commons in the Sessions of Parliament begun the twentieth of January, 1628*, collected by Sir T. Crew (London, 1707), p. 65, which entry reads: "A Bill was prefer'd for the ordering of the Government of the Summer-Islands." *Ephemeris Parliamentaria* (London, 1654) also contains a report of this session, in which the only mention made of this bill appears under this date (p. 251). But the title only of the bill is given, with no indication of the stage it had reached in its passage. See also the Notes of Sir Richard Grosvenor and *True Relation*, in Notestein and Relf, *op. cit.*, pp. 55, 186.

³ There is nothing further in the *Journals* concerning this bill. The controversies of the last session were renewed in this session, and on Mar. 2, following a stormy meeting, the House adjourned itself. Nine members were imprisoned for their part in the proceedings and, following the dissolution of this Parliament, 11 years passed before another was called—the longest interval of this kind in the history of the English Parliament. Hunt and Poole, *Political History of England*, VII. 159-164; Gardiner, *op. cit.*, VII. 67-76.

CHARLES I.: FOURTH PARLIAMENT.

Session of April 13–May 5, 1640 (16 Car. I.).

1640.

[Apr. 17], HC. *John Pym*:¹ . . . Since the breach of the last Parliament, his Majestie hath, by a new booke of rates, very much increased the burden upon merchandise; and now tonnage and poundage, old and new impositions, are all taken by prerogative, without any grant in Parliament, or authoritie of law, as we conceive, from whence divers inconveniences and mischiefes are produced.

1. The danger of the president,² that a judgement in one court and in one case is made binding to all the kingdome.

2. Men's goods are seized, their legall suits are stopped, and justice denied to those that desire to take the benefit of the law.

3. The great summes of money received upon these impositions, intended for the guard of the seas, claimed and defended upon no ground but of publike trust, for protection of merchants and defence of the ports, are dispersed to other uses, and a new tax raised for the same purposes.

4. These burdens are so excessive, that trade is thereby very much hindered, the commodities of our owne growth extremely abased, and those imported much inhaunced; all of which lie not upon the merchant alone, but upon the generalltie of the subject; and by this means the stock of the kingdome is much diminisht, our exportation being lesse profitable, and our importation more changeable.³ And if the warres and troubles in the neighbour parts had not brought almost the whole streame of trade into this kingdome, we should have found many more prejudiciall effects of these impositions, long before this time, than yet wee have done. Especially they have beene insupportable to the poore plantations, whither many of his majestie's subjects have beene transported, in divers parts of the continent and islands of America, in furtherance of a designe tending to the honour of the kingdome and the enlargement of his majestie's dominions. The adventurers in this noble worke have for the most part no other support but tobacco, upon which such a heavie rate is set, that the king receives twice as much as the true value of the commoditie to the owner.

5. Whereas these great burthens have caused divers merchants to apply themselves to a way of traffique abroad by transporting goods from one country to another, without bringing them home into England; but now hath beene lately endeavoured to set an imposition upon this trade,

¹ This is a part of Pym's speech of two hours' length, on the subject of the grievances. In this Short Parliament he later resisted the grant of supplies to the king, and in the Long Parliament he assumed the lead in the attack on the government. For an account of his career see *Dict. Nat. Biog.*, XLVII. 75. The best biography is by C. E. Wade (1912).

² Precedent.

³ "Chargeable" in the separate tract, published in 1642, and reprinted in *Somers Tracts*, IV. 397.

so that the king will have a dutie even out of those commodities which never come within his dominions, to the great discouragement of such active and industrious men. . . .

8. The differences and discontents betwixt his majestie and the people at home have in all liklyhood diverted his royall thoughts and counsellis from those great opportunities which he might have, not onely to weaken the house of Austria and to restore the Palatinate, but to gaine a higher pitch of power and greatnesse than any of his ancestors; for it is not unknowne how weake, how distracted, how discontented the Spanish colonies are in the West Indies. There are nowe in those parts, in New-England, Virginia, and the Carib Islands, and in the Barmudos, at least sixty thousand able persons of this nation, many of them well armed, and their bodies seasoned to that climate, which, with a very small charge, might be set downe in some advantageous parts of these pleasant, rich, and fruitfull countries, and easily make his majestie master of all that treasure, which not only fomentes the warre, but is the great support of poperie in all parts of Christendome. . . . (John Forster, *The Statesmen of the Commonwealth of England*, ed. J. O. Choules, pp. 168, 172; *Somers Tracts*, IV. 397, 404; Add. MSS. 25275, ff. 48-66.)⁴

[May?], HL. To the right honorable the Lordes in the most honorable and highe Court of Parlyament assembled.

The humble petytion of Wm. Hill of Wappinge, marryner.

Humbly sheweth, that in the yeare 1637 Jno Fairberne beinge master of a shipp of London called the *Elizabeth* shipped your petytioner as his pilot and chife mate for a voage to Virginia but before the said shipp then arrived the said Fairberne died after whose decease your petytioner was made master for the navigatinge of the said shipp and no otherwise that then the said Fairbernes wearinge apparell were sold at the mast accordinge to the custome of the sea⁵ by one Francis Smith another mate and purser of the said shipp and by the boswaine⁶ and your petytioner had noe hand nor did not intermedle therein.⁷

⁴ Forster's version of this speech, with corrections by Pym himself, was found in a pamphlet edition of 1641 in the Thomason Collection in the British Museum (Forster, *op. cit.*, p. 163). This version is reprinted, with different paragraphing and modern spelling, in Charles K. Adams, *Representative British Orations*, I. 27-84. The John Carter Brown Library contains a copy of another edition of 1641, which has been examined for the present work; there are no significant differences. Another edition, of 1642, also showing insignificant variations, is reprinted in the *Somers Tracts*, *ubi supra*. In that work the speech is assigned to the Long Parliament, a common error regarding it (Forster, *op. cit.*, p. 173 n.). Cobbett (II. 546) and *Parl. Hist.* (VIII. 425) reprint the Rushworth abridgment (*Collections*, III. 1131), in which the references to America are not given. Cf. Cobbett, II. 641, and Rushworth, *op. cit.*, IV. 21, in which second reports of this same speech are entered under the proceedings of November, 1640. A briefer draft of this speech is given in *Cal. St. P. Dom.*, Charles I., 1640, pp. 46-48. See Ranke, *History of England*, II. 191 n. The date here assigned to the speech is the one given by Rushworth, C. E. Wade (*John Pym*, p. 177), and the editor of the *Calendar of State Papers*. Cobbett and the *Parl. Hist.* enter it under the proceedings of the following day; Forster is vague on the subject. Adams, *British Orations*, dates it Apr. 5, which, of course, cannot be correct.

⁵ The master "may likewise sell the clothes and necessities of the mariners and passengers, that dye aboard, and cause them for that purpose to be brought to the foot of the mast, and delivered to the fairest offerer". Alexander Justice, *A General Treatise of the Dominion and Laws of the Sea*, p. 377.

⁶ Boatswain.

⁷ Interlined in another hand: "which affidavit is here mad in court".

That the said Fairberne haveinge divers other goodes as in adventure and the goodes safely beinge brought a shoare in Virginia beinge *bona peritura*⁸ Sir Jno Harvey then governer of the countrey and haveinge power soe to doe graunted the admynistration thereof to one Wm. Warringe which admynistratour there tooke upon him the care and disposinge of the said goodes and gave bond in Virginia to the governer to bee responsible for the same:

But soe it is that att your petytioners retorne with the said shipp to the port of London, one Wm. Peckett procured letters of administration of the said Fairberns estate, from Sir Henry Martyn⁹ and relyinge upon the counteynance and favour of the said Sir Henry Martyn against the lawe, arrested your petitioner by collour of some warrant or authority from the said Sir Henry, as judge of the Court of Admiralty, upon a supposed action of 600 *li.* and thereupon cast your petytioner in prison, where hee was forced to lye for the space of 3 weekes or thereabouts, before hee could gett bayle, and after your petitioner beinge on a voyage to sea, the said Peckett proceeded against your petytioner, in the Court of Admiralty before the said Sir Henry Marten as judge there, for the goodes of the said Fairberne, and the said Sir Henry Marten without any manner of ground or prooffe att all, in your petytioners absence gave sentence against your petytioner, to pay unto the said Peckett, the summe of 50 *li.* with costs of suite, under which unjuste and unwarrantable judgement, and sentence, your petytioner, and his bayle, doe yet lye, to their apparent wronge, and prejudice, and to their utter undoeinge, unles releved by this honorable assembly:

Hee therefore humbly prayeth that forasmuch as hee is a marriner and bound forth for another voyage, and beinge by the suite in the Admiralty much oppressed to his utter overthrowe, that he is noe waies able to prosecute his cause in the court of delicats,¹⁰ wheather hee hath appealed and the governour and other wittnesses beinge now in the citty of London to justifie the proceedings aforesaid on your petytioners behalfe, that your Lordships will bee honorably pleased soe farr to take the premises into your consideration as to commaund the said Sir Henry Marten and Wm. Peckett to appeare before your Lordships, and to bringe before your Lordships the bookes and proceedinges in the said cause, that your petytioner may have a view thereof that after a due examination of the trueth of your petytioners complainte, hee may bee in every of the premisees releived as unto your Lordships. grave judgements shall bee thought meete:

And as in duty bound he shall ever pray for a prosperous proceedinge upon this most honorable assembly etc. WM. HILL. (MSS. H. of L.)¹¹

⁸ Perishable goods.

⁹ Judge of the Admiralty Court, 1617-1641.

¹⁰ Court of Delegates, to whom an appeal lay from the Court of Admiralty.

¹¹ Endorsed, in modern hand, "Petition of Wm Hill. Conjectural date, about 1640, May". There is no reference to this petition in the *Journals*; it is calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 27.

CHARLES I.: FIFTH PARLIAMENT.

*Session of November 3, 1640–April 20, 1653 (16-24 Car. I.).*¹

1640.

Nov. 20, HC. Mr. Whistler² reported from the committee for Irish affairs, that he was required by the committee to report to the House the affairs of that kingdom, as they were set forth in a remonstrance, made by the House of Commons in this present Parliament in Ireland;³ wherein it appeared . . . that there is a monopoly of the sole trade of tobacco, of more gain to the parties interested therein, than the king's whole revenue in Ireland.⁴ . . . (C. J., II. 32; *Parl. Hist. Eng.*, IX. 80.)

Nov. 21, HC. The humble petition of Joseph Hawes,⁵ read; and referred to the committee for grievances:

Ordered, that this petition be referred to the committee for grievances: and that all extents upon bonds, by reason of the matters set forth in the petition, be stayed: and that the patent, for the monopoly of tobacco, be forthwith brought into this House:⁶ and that the referrees, to whom the legality of this patent was referred, attend the said committee, at the same time. (C. J., II. 33.)

[Nov. ?], HC. Sir Thomas Roe:⁷ . . . But I have now wandred

¹ On Jan. 30, 1648/9, Charles was beheaded, and the period of the Commonwealth began; but this Parliament (the "Long Parliament") continued sitting until it was expelled by Cromwell, Apr. 20, 1653. Concerning the records, especially in manuscript, of this Parliament, see Notestein, *Journal of Sir Simonds D'Ewes* (Yale Univ. Press, 1923), preface.

² John Whistler, recorder of Oxford.

³ *Commons Journals, Ireland*, I. 162, p. 453, *post*. The remonstrance is also published in full in Nalson, *An Impartial Collection of the Great Affairs of State*, II. 36-37 (wrongly paged, 44-45).

⁴ The American colonies enjoyed a monopoly of the tobacco market of Ireland also; the growth of this article and its importation from foreign countries were forbidden by frequent proclamations of James and Charles. (Brigham, *Royal Proclamations*, pp. 50, 55, 62, 68, 82; Rymer, *Foedera*, XVIII. 19, 848, 920, XIX. 235.) The twelfth article of the accusations against the Earl of Strafford was based on his connections with the tobacco monopoly of Ireland (Nalson, *op. cit.*, II. 41, 66, 117, 134). For a fuller account of the Irish monopoly of tobacco see Beer, *Origins*, p. 174 n.

⁵ A merchant, whose ship, the *Elizabeth*, on a trading voyage to Virginia, was taken by the Spaniards in 1637, and carried to Spain. Hawes presented other petitions to the Lords, Feb. 22, 1640/1, May 27, 1641, and May 26, 1642. See entry under Dec. 11, below, and pp. 105, 114, 116; *Acts P. C. Col.*, I. 251, and note; and Hist. MSS. Comm., *Fifth Rept.*, App. 1, p. 25.

⁶ The monopoly for the sole importation of tobacco was, at this time, in the hands of Lord Goring (p. 106, note 34), Sir Abraham Dawes, Sir John Jacobs, and Edmond Peisley (*Cal. St. P. Col.*, 1574-1660, p. 274). The consideration of this patent was in no way connected with the above petition. *Cal. St. P. Dom.*, 1640-1641, p. 271, no. 16.

⁷ M. P. for Oxford University. Between 1610 and 1615 Roe made several trips to South America, exploring the Amazon and Orinoco rivers. In 1620 he and his partners obtained the monopoly of the tobacco trade in England. He was one of the first council and incorporators of the New England Company, and also aided the Virginia Company in its relations with the king. About this time he was much interested in the establishment of an English West India Company. *Dict. Nat. Biog.*, XLIX. 89-92; Brown, *Genesis*, II. 984-986.

far from my theme, which was the decay of trade and of woollen commodity.

I must first therefore present to your consideration the causes thereof in my observations, whereof some are internall, and some externall. . . .

Another externall cause is lamentable, report, the increase of the py-rates, and the insecurity of the Mediterranean Seas; whereby Bristow and the westernne ports, that cannot have so great shipping as London, are beaten out of trade and fishing, and if once those theeves shall find the way to Banke⁸ and Newfound Land, they will undoe the west parts of England. . . .

There are some particulars in the Spanish trade, perhaps worthy of animadversion, as under-selling good commodity to make money, or barter for tobacco, to the imbasement of our owne staple for smoake, which in a due place ought to bee taken into regulation.

Another consideration for a ground of trade, ought to be the nature of it, with whom, and for what we trade, and which trade is more principally to be nourished, which, out of doubt, are the northerne trades, which are the root of all other, because the materials brought from those parts, as from Wx,⁹ Muscove, Norway, Prussia, and Livonia, are fundamentall and of absolute necessity; for from these trades we get the materials of shipping, as pitch, tarre, cordage, masts, and such like, which inable us to all the southerne trades of themselves, of lesse use, being onely wine, fruit, oranges and curiosities for sauces or effeminacy, but by these, we sayle to the East-Indies, and may erect a company of the West Indies,¹⁰ for the golden fleece, which shall bee prepared for you, whensoever you are ready for so great a consultation. . . . (*Sir Thomas Roe His Speech in Parliament*; ¹¹ *Speeches and Passages of this Great and Happy Parliament* . . . , pp. 182 *et seq.*; ¹² *Harleian Miscellany*, IV. 456-462.)¹³

Dec. 11, HC. Upon a petition of Joseph Hawes and other marchants preferred by Mr. Pymme touching the wrongs done them at sea by the Spaniards; it was referred to the same committee that was appointed to consider of the Turkish pirates and Argiers; and to enquire what ministers of our state doe receive pensions from forraigne states. (*Notestein, Journal of Sir Simonds D'Ewes*, pp. 136-137.)

Dec. 18, HC. The petition of the adventurers and planters of Virginia, was read.¹⁴

⁸ Off Newfoundland.

⁹ Obviously an arbitrary sign or misreading of some abbreviation of "Sweden", which word is used in the version given in *Harl. Misc.*, IV. 461.

¹⁰ For Roe's propositions in 1637 for the formation of an English West India Company, see *Cal. St. P. Col.*, 1574-1660, p. 257; *Cal. St. P. Dom.*, 1637, p. 358.

¹¹ London, 1641.

¹² From Nov. 3, 1640, to June, 1641, "collected into One Volume, and according to the most perfect Originalls, exactly published", by William Cooke, London, 1641.

¹³ References to this speech are also given in *Cal. St. P. Dom.*, 1640-1641, p. 281; and in *Hist. MSS. Comm.*, *Fourteenth Rept.*, App., pt. II, p. 68 (*MSS. of the Duke of Portland*, vol. III.).

¹⁴ Early in 1640 the burgesses in assembly determined to make another effort to have the former charter restored to the colony. George Sandys, brother of Sir Edwin, former treasurer of the company, had been appointed agent for the colony in the

Mr. Treasurer,¹⁵ Mr. Pimme, Mr. Hampden, Sir Jo. Colpepper, Sir Walther Erle, Mr. Vassall, Mr. Wheeler, Sir William Massam, Sir Hugh Cholmeley, Sir Tho. Roe, Ld. Faifax, Sir Ro. Pye, Sir Edw. Hungerford, Sir Henry Rainsford, Sir Jo. Brooke, Mr. Whistler, Mr. Ash, Mr. Grimston, Sir Ro. Parkhurst, Mr. Maynard, Sir H. Mildmay, Mr. Purefrey, Mr. Bond, Mr. White, Sir Tho. Cheeke, Capt. Rainsborow, the barons and burgesses of all the ports;

This committee is to take into consideration the petition of the adventurers and planters of Virginia, and the petition exhibited here by Cleyborne¹⁶ and Clobery;¹⁷ and to report their opinions of them to the House; and has power to send for parties, witnesses, papers, records, or any thing else, that may conduce to the business; and are to meet on Tuesday next at two of clock, in the Exchequer-court. (*C. J.*, II. 54.)

Dec. 23, HL. Ordered, that the consideration of foreign nobility of Scotland and Ireland, and the creation of baronets of Nova Scotia,¹⁸ be referred to the committee of privileges. (*L. J.*, IV. 116.)

previous year, and to him the petitions prepared for this purpose were sent. Sandys presented them, "in the name of the adventurers and planters", to the Commons at the beginning of the Long Parliament. (McIlwaine, *Journals of the House of Burgesses of Va.*, 1619-1658/9, p. 66; Hening, *Statutes at Large*, I. 230; Alexander Brown, *English Politics in Early Va. History*, p. 103; Chalmers, *Political Annals*, I. 121-122.) When Sir William Berkeley, the newly appointed royal governor, arrived in Virginia in 1642, he called another assembly which issued a strong protest to the king against the renewal of the charter, urging that Sandys had mistaken his instructions. (McIlwaine, *loc. cit.*, pp. 66-69; Hening, I. 230-238; Brown, *op. cit.*, pp. 104-105.) In the following July, Charles replied that the petition for restoring letters patent to the colony was contrary to his intent. (*Cal. St. P. Col.*, 1574-1660, p. 324; printed in full in McIlwaine, *op. cit.*, p. 70.) Brown gives no authority for his statement that the Virginia patent was again taken out under the broad seal of England. *Op. cit.*, pp. 103, 104; *First Republic*, p. 603.

¹⁵ Sir Henry Vane, treasurer of the royal household, 1638-1641.

¹⁶ Shortly before the grant of Maryland to Lord Baltimore, William Claiborne, a member of the council of Virginia and secretary of that colony, had established a trading-post upon Kent Island, within the proposed boundaries of Maryland. Claiborne opposed the grant to Baltimore and, in 1638, following the reduction of the island and the forfeiture of his property to the lord proprietor, petitioned the king for an examination of his grievances and for a confirmation of the grant of Kent Island. The matter was referred to the Lords Commissioners for Plantations, who on Apr. 4 decided against Claiborne (*Cal. St. P. Col.*, 1574-1660, pp. 267-268). The best accounts of this controversy are to be found in J. H. Latané, *Early Relations between Md. and Va.* (Johns Hopkins Univ. Studies, XIII. 130-153); Bernard C. Steiner, *Beginnings of Md.*, 1631-1639 (*id.*, XXI. 395-442); Scharf, *Hist. of Md.*, I. 99-120. See also C. C. Hall, *Narratives of Early Md.*, 1633-1684, in *Original Narratives of Early American History* (ed. J. F. Jameson). Claiborne and his partners continued to press their suit, and were now seeking relief through Parliament. *Cal. St. P. Col.*, 1574-1660, p. 280; Scharf, *op. cit.*, I. 120.

¹⁷ William Clobery, of Clobery and Co., London partners of Claiborne.

¹⁸ As the plantation of Ulster had prospered through the granting of the title of baronet to those who had contributed a certain sum, James I. in 1624, in order to assist Sir William Alexander in his plan of colonization of Nova Scotia, offered similar inducements in this venture. The number of these barons was not to exceed 150; the dignity, together with a land-grant in New Scotland, was to accompany the payment of 3000 marks Scots and the bringing of six colonists to the new settlement. These patents were ratified by the Scottish Parliament. David Laing, *Royal Letters, Charters, and Tracts, relating to the Colonization of New Scotland*, pp. 16 *et seq.* (Edinburgh, Bannatyne Club, Publication 114, 1867); Scott, *Joint-Stock Companies*, II. 318-319; Haliburton, *Hist. and Stat. Account of Nova Scotia*, I. 42-43. See pp. 434-439, *post*.

Dec. 30, HC. Betweene three and fowre of the clocke in the afternoone the committee touching Bishop Wrens orders of which I was mett in the Checquer Court where the petition of the men of Wolverstone ^{18a} against Mr. Jonathan Skynner a scandalous minister ther who had been a cheife meanes to putt out Mr. Timothie Dalton a godlie minister ther now gone into New-England.^{18b} It was proved by divers witnesses that the saied Mr. Dalton had been parson ther above 20 yeares that hee was a godlie honest man and preached laboriouslie. That when Bishop Wrenn came to bee Bishop of Norwich hee was questioned as for other innovations hee would not submitt unto soe for not reading the booke for sportes and libertie on the sabboath day. That the saied Mr. Skynner was a principall persecutor of him, bringing downe purseivants out of the high Commission Court against [him]. That the saied Mr. Dalton being suspended by the chancellour of Norwich (Dr. Clement Corbet) and in severall dangers was forced with his wife and children to flie into New-England. . . . (Notestein, *Journal of Sir Simonds D'Ewes*, pp. 200-201.)

1640/1.

Jan. 6, HC. The humble petition of the merchants, owners of ships, planters, and adventurers to the several plantations in the parts of America, read;¹⁹ and the whole petition, and every particular clause of it, is referred to the committee for the adventurers and planters of Virginia;²⁰ with the same power, for this petition, the committee formerly had: and they are to meet to-morrow in the afternoon at two of clock, in the Exchequer-court: and Mr. St. Johns, Sir Jo. Clotworthy, Sir Tho. Barrington, Sir A. Ingram, Mr. Glyn, Sir Edw. Deering, Mr. N. Fines, Mr. Hollys, Sir Simonds D'Ewes, Sir Edm. Mountfort, Mr. Martin, Sir Gilbert Gerrard, Sir Jo. Harrison, Mr. Selden, Mr. Bodevile, Sir Edw. Bainton, are added to that committee.

And it is likewise ordered, that the petition of the traders to the Summer Islands,²¹ now with the committee for trade, be referred to the same committee; with the like power, for this also, it formerly had. (*C. J.*, II. 64.)

Jan. 6, HC. Then Mr. Saint John moved that hee had a petition of great moment to preferre which concerned the good and welfare of all the plantations in America. Soe the petition was delivered to the clarke who reade it: and therin was sett foorth what cruell exactions the customers demanded and tooke of such as went into anye of those planta-

^{18a} *C. J.*, II. 59.

^{18b} After arriving at Boston, Dalton went to Dedham and from there, in 1639, to Hampton, N. H., where he was associated with Rev. Stephen Bachiler, with whom he later got into controversy. He died Dec. 28, 1661. *New Eng. Hist. and Geneal. Reg.*, I. 322, 324, XLVI. 246-248.

¹⁹ See next entry.

²⁰ See under Dec. 18, above. The committee to whom were referred these several petitions bearing on American matters never reported.

²¹ No reference to this petition has been found; its nature is suggested by the order of Mar. 4, see p. 107.

tions or came from thence. Sir John Jacob ^{21a} and others monopolizing all ther tabaccoe at his owne price, and compelling them to bring upp ther goods to London, and Sir John Worsenane ^{21b} compelling such as went, to enter into great bonds soe to bring ther goods; with divers other great extortions and oppressions. Then Mr. Saint John after the petition was read, did further explaine those exactions and oppressions at large; and Mr. Mainard and others seconded his motion. I stood upp and moved that not onlie the strength but riches of all ilands consisted in matter of traffique, and soe did the riches of this kingdome. That if such as hazarded ther lives estates and fortunes by the sea weere thus spoiled and depilated; wee should finde a decay of all trade and traffique. This evill began to grow in elder time, and remedie was then provided, which might bee a rule and direction to us what course to take being on record, in Rot. Parl. in 1 Parl. (for ther weere in that yeare two Parliaments) *de a'o* 13. E. 3. no. 13. ^{21c} The Commons petitioned that the inhaunced customes of certaine commodities might bee abolished and that if such customes were required resistance might bee made. A little after the evill grew to a higher pitch for then John Peachie gott an imposition upon wines: ^{21d} and therefore the same yeare in Rot. Parl. *de a'o* 50 E. no. 191, the Parliament thought it just that such as laied new impositions of ther owne authoritie without assent of Parliament might loose life and member. ^{21e} Soe I wished the petition might bee referred to a former committee according as it had been moved. And soe it was ordered, and some others of which I was named by divers for one, weere added to that committee, and a time and place appointed for them to meete. (Notestein, *Journal of Sir Simonds D'Ewes*, pp. 224-225.)

Jan. 27, HC. On Wednesday it was reported in the howse of Commons that there were fifty and twoe families in Norwich that went into new England by Bishopp Wrens ²² pressing theire consciences with illegall oathes ceremoniall observation and many straining innovations. (Harl. MSS. 4262, f. 42; ²³ *Diurnall Occurrences, or Dayly Proceedings of*

^{21a} See p. 100, note 6.

^{21b} Sir John Wolstenholme, one of the farmers of the customs. See *Am. Hist. Rev.*, XXVII. 538, 747.

^{21c} *Rotuli Parliamentorum*, II. 105.

^{21d} For this monopoly he paid 10 s. per butt. In 1376 he was impeached and imprisoned for extortion. *Ibid.*, p. 328.

^{21e} *Ibid.*, p. 356.

²² Matthew Wren, bishop of Hereford, Norwich, and Ely. He was bishop of Norwich from 1636 to 1638, during which time he was accused of driving many out of the kingdom by reason of his severity against the Puritans. Wren maintained that the migration was a question of wage. He acted under the supervision of Laud, after whose impeachment he was imprisoned in the Tower. *Dict. Nat. Biog.*, LXIII. 94-96; Clarendon, *History of the Rebellion and Civil Wars in England*, VI. 183.

Under date of Jan. 5, D'Ewes wrote that he attended the committee on Wren's misdemeanors, where there were "divers other particulars proved that both ministers and tradesmen weere by Bishop Wrenn driven to fle into Holland and New-England; and that upon reformation heere they would be readie to return hither againe" (Notestein, *Journal*, p. 222).

²³ "Diurnal occurrences in Parliament, 12 Nov. 1640 to 17 April 1641." *Cat. Harl. MSS.*, III. 130.

Both Houses, in this Great and Happy Parliament, from the third of November, 1640, to the third of November, 1641, p. 22.²⁴)

Feb. 17, HL. Memorandum, that Mr. Attorney General ²⁵ is to inquire of the Lord Chief Justice of the common pleas ²⁶ for the papers and directions which he received from the Lords committees, concerning foreign nobility, and baronets of Nova Scotia, to debar them of any place in this kingdom.²⁷ (*L. J.*, IV. 164.)

Feb. 18, HL. The petition of the planters in New England was read,²⁸ and ordered to be recommended to the committee for petitions. (*Ibid.*, p. 166.)

Feb. 22, HL. To the Right Honourable the Lords Spirituell and Temporal in the high Court of Parliament Assembled.

The humble petition of Joseph Hawes and partners merchants.

Humble sheweth that the ship *Elizabeth* in a tradeinge voyage to Virginia 1637, 250 leagues short thereof was by the Spanish west India fleet taken with her maister marriners and passengers being in all 120, and all her goods and ladinge, and caried into Spaine to the damage of your petitioners above the value of 12000*li.* and notwithstanding all good meanes used (as well by his Majesties ambassadors, as otherwise) still deteyned, which your said petitioners represented by severall petitions to the right honourable the Lords of his Majesties most honourable Privy Councell in March 1638 and October 1639 ²⁹ there honors referringe the same to Sir Henry Martin, judge of the Admiraltie.³⁰ Hee made certificate that the losse and vallue thereof, as above mentioned was in that court sufficiently proved, att the apprehension whereof, there Lordships were moved with soe much compassion towards the petitioners miseries and losses, and so stirred up in honor that your petitioners doubted not to have bin then releived. But there Lordships att that instant being informed by Mr. Secretaries that they had received advice from his Majesties ambassador in Spaine, that there would bee a speedy course taken for the petitioners satisfaction, there Lordships were diverted from resolving upon any other waie for the petitioners releife.³¹ But there affirmation proved ill for your petitioners, for in confidence that some effectuall course was accordingly intended for there releife in Spaine, your petitioners employed one there to sollicite for satisfaction. But after longe attendance and greate expence, they found the said affir-

²⁴ London, 1641. This item is wrongly dated the 26th in that work, no account having been taken of Sunday, the 24th, in the arrangement. The *Diurnall Occurrences*, beginning with the Long Parliament and existing to-day as a printed collection, was probably the connecting link between the earlier parliamentary news-letters and the first English newspapers. Notestein and Relf, *op. cit.*, pp. xlv-lv.

²⁵ Sir Edward Herbert.

²⁶ Sir John Banks, or Bankes.

²⁷ See entry of Dec. 23, *ante*, and note.

²⁸ This petition apparently complained of the detention of ships bound for New England. See entry of Mar. 18, *post*; and Winthrop, *History of New England* (ed. Savage), II. 50.

²⁹ *Acts P. C. Col.*, I. 251.

³⁰ From 1617 until his death in 1641.

³¹ On Apr. 30, 1639, this matter was referred to Sir Arthur Hopton, ambassador to Spain, to demand satisfaction from that government (*Acts P. C. Col.*, I. 251 n.). Hawes had previously petitioned the Commons. See p. 100.

mation to bee grounded upon a meere pretence and mockerie on the Spaniards part. And further humblie sheweth that this last sommer part of the plate fleete comming for Spaine, were cast upon the shoare att the Sommer Islands and from thence some good quantitie of silver and indeco, part of there ladinge being brought to London in an English bottom, your petitioners entred their action in the Admiraltie Court, against those goods, but after the deteynement about 3 or 4 weekes baile was taken, and the cause dismist, yet tenn pounds allowed your petitioners for costes.

In tender comiseration whereof, your petitioners being hereby utterly ruined, although they have done nothing contrary to the articles of peace, but what is allowed by many graunts and charters from his Majesty and predecessor of famous memorie, and what by proclamation his Majesty declared to protect them in. And for that it may fall out to bee the like lamentable condition of many other his Majesties loyall subjects if the state of Spaine avowe such insolencies in there subjects there, and Court of Admiraltie for private reasons desert the just demaunds of his Majesties subjects heere. There not appearinge any other waye for reparation in this behalfe.

May it please this honourable assemblie to take the premisses into consideration and to provide some waye for the releife of your petitioners, that the honor of the nation and the oppressions of the English may bee soe vindicated as to your greate wisdomes and justice shall seeme meete. And your petitioners shall pray etc. JOSEPH HAWES. (MSS. H. of L.)⁸²

Mar. 4, HC. To the Honourable Assemblie of Commons in the howse of Parliament.

The humble petition of the Companie of London for the plantation of the Somer Islands.

Humbly sheweth whereas your petitioners have bin constrained to enter into bonds under great penalties for to bring all the tobaccos of the growth of the said islands, yearely to the port of London, without vending any part thereof elsewhere, to the end his Majestie may receive custome and impost for the same,⁸³ whereby your petitioners and the planters in the said islands, sustaine exceeding great losse and damage, their tobaccos by that meanes haveing layne upon their hands unsold in the said port, for the space of three yeares last past and upwards; partly (as your petitioners humbly conceive) becawse of the preemption in the kingdome of Ireland, and the licences farmed by the Lord Goring,⁸⁴ and partly in regard your petitioners are required either to pay or become bound to pay fower pence upon every pound, for the custome and impost of their tobaccos, before they can be permitted either to see them themselves, or shew them to those that are desirous to deale for the same, and before the shippes freight be satisfied that brought their tobaccos to the

⁸² Endorsed, "22 Febr. Hawes. Rec. sexto Feb. 1640. per ordinem". Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 53. There is no reference to this petition in the *Journals*.

⁸³ See Beer, *Origins*, pp. 142, 157-158, 170.

⁸⁴ George, Lord Goring, later earl of Norwich, was the leader of the monopolists. In 1636 he offered the government £10,000 for the first year and £20,000 yearly thereafter for the sole privilege of importing tobacco. His connection with the tobacco industry and its licensing system is discussed in Beer, *op. cit.*, pp. 154-163, 168, 171.

said port. Now for asmuch as your petitioners have susteyned such great and excessive dammagages by meanes aforesaid, and besids, have bin constrained to pay above fower score pounds in the hundred, for the custome and impost of their tobaccoes for divers yeares past, whereas by his Majesties letters patents of graunt of the said islands, they ought not to pay above five pounds in the hundred, and have alsoe bin constrained to enter into severall bonds, for payment of custome and impost, and yet finde that their said tobaccoes (for which they are besides at an annuall charge of fowerscore pounds for warehouse roome) with long lying and for lacke of good lookeing to, prove soe bad, as they will not sell to pay the said custome and impost, in which regard they will not be taken out, soe as neither his Majestie nor the planters, (whoes principall meanes of subsistence they are,) will at length vend the same for any thing at all, towards the payment of freight and warehouserome which notwithstanding are and must constantly be paid.

Your petitioners doe therefore humbly pray that by favour and justice of the honourable assembly (for the reasons aforesaid) they may be freed of the said bonds and ingagements, and may obteyne leave to export all their said tobaccoes (now lying upon their hands) without paying custome or impost which (as they humbly conceive) by lawe are not due for the same, and that it may be declared what custome and impost they ought to pay for the future, and whether custome or freight ought to be first satisfied that soe they may have a certaine rule to goe by.

And your petitioners shall ever pray etc. (MSS. H. of L.)³⁵

Mar. 4, HC. Ordered, that the Company of London, for the plantation of the Summer Islands, shall have the like order, for their tobaccoes remaining with the customers, as Mr. Vassall had.³⁶ (*C. J.*, II. 96.)

Mar. 17, HL. Ordered, that the cause of the merchants of New England shall be heard to-morrow morning, in this House, concerning the reason why their ships were restrained.³⁷ (*L. J.*, IV. 187.)

Mar. 18, HL. After this, the counsel of the planters of Newe England was heard, to declare unto the House why their ships were restrained from going to New England, when they were fully freighted and victualed for the voyages;³⁸ and it was alledged, that their ships were restrained by two several orders from the Council table, one in February 1633,³⁹ the

³⁵ Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 56. The original is docketed at the side: "Company of London for the plantation of the Summer Islands".

³⁶ The farmers of the customs and imposts were ordered Feb. 2 to show cause why the goods of Vassall, in their custody, should not be delivered to him (*C. J.*, II. 77). The reference is to Samuel Vassall, a London merchant trading with New England, Virginia, West Indies, and Guinea. He was one of the incorporators of the Massachusetts Company, and was also interested in the settlement of Carolina. He is said to have died somewhere in America in 1667. *Dict. Nat. Biog.*, LVIII. 156; Brown, *Genesis*, II. 1036.

Sir Simonds D'Ewes in his *Journal* of this Parliament (p. 438) represents this order as made for the benefit of "divers marchants who had brought tobacco from the Barbados and Summer Islands", without reference to the company. Notestein quotes a passage of the same import from the diary of John Moore.

³⁷ A petition was presented Feb. 18; see *ante*.

³⁸ The petition is given in the next entry.

³⁹ Because of the transportation of great numbers to New England, "whereby such confusion and disorder is alreadie growne there, especially in poynt of Religion", the Privy Council on Feb. 21, 1633/4, ordered that the ships then in the Thames and ready to set sail be detained until further orders (*Acts P. C. Col.*, I. 199). The following

other in April 1638;⁴⁰ and after these, by a proclamation,⁴¹ notwithstanding his Majesty's letters patents, dated 4 *Martii*, anno 4 *Caroli*, which grants to the planters of New England divers liberties;⁴² as, to transport those of his Majesty's liege people as are willing to go, and also liberty to transport shipping, and divers commodities of this kingdom. Hereupon the House did order, that these Lords following do move his Majesty, that these restraints may be taken off; and that the planters of New England may enjoy and receive the benefit of their letters patents, which they have from his Majesty:

The L. Chamberlain,⁴³ the E. of Bath, E. of Bedford, E. of Bristoll, L. Viscount Say et Seale, L. Brooke.⁴⁴ (*Ibid.*, p. 188.)

Mar. 18, HL. To the right honorable the Lords of the upper House assembled in Parliament.

The humble petition of the subscribers in behalfe of themselves and the rest of the planters in New England.

Humbly shewith that whereas his Majestie by his letters pattents under the great seale of England did heretofore grante unto as many of his leige people as were willing to goe into New England (except such persons as should be restrained by speciall name) liberty to transport themselves shipping, armour weapons ordinance munition, powther, shot, corne, victuals, and all manner of clothing implements furniture beastes cattell horses merchandize and all other things necessary for the plantation for use and defence custome free for the space of 7 yeares, and after unde 5 *li.* per centum custome for 21 yeares, and that the sight of the letters pattents or duplicate or the inolment shalbe to the lord Treasurer, Chancellor, Barons of the Exchequer, farmours, searchers and other officers a sufficient discharge and warrant in that behalfe, for exportation and importation of goods at 5 *li.* per cent, and thereupon your petitioners and many of his Majesties leige people have at their owne charge transported themselves and have had prosperous successe untill they were restrained by severall orders made by his highnes privy councill and a

week these vessels were allowed to proceed on their voyage after the masters had entered into bonds of £100 for the faithful performance of conditions pledging punishment for blasphemy and profanity on the voyage, the reading of daily prayers from the Book of Common Prayer, the taking of the oaths of allegiance and supremacy by those failing to have proper certificates from the port officers, and the certification of the names of all persons transported. *Ibid.*, pp. 200-201.

⁴⁰ The order of Apr. 1, covering also the action of the Council on Mar. 30 which restrained eight ships from sailing. *Acts P. C. Col.*, I. 228.

⁴¹ On Apr. 6, 1638, the Council allowed all restrained ships to leave for New England, but ordered that a proclamation should be issued requiring a special license before sailing (*Acts P. C. Col.*, I. 228-229). The proclamation, dated May 1, is printed in Brigham, *Royal Proclamations*, pp. 87-88; Rymer, *Foedera*, XX. 223.

⁴² The charter of Massachusetts Bay, dated Mar. 4, 1628/9. The text is printed in *Records of the Governor and Company of Massachusetts Bay in New England*, I. 3-20; Thorpe, *Federal and State Constitutions*, III. 1846-1860; and see *Doc Hist. of State of Maine* (Maine Hist. Soc., *Collections*, second ser.), VII. 86-87.

⁴³ Philip Herbert, earl of Montgomery and Pembroke, lord chamberlain 1626-1641.

⁴⁴ On Mar. 31 an order was given, allowing the transportation of passengers and commodities as provided for by the charter. (*Acts P. C. Col.*, I. 291-292; Winthrop, *Hist. of N. E.*, ed. Savage, II. 50.) But on account of political changes in England emigration to New England in numbers had now nearly ceased. See Palfrey, *Hist. of N. E.*, I. (1865) 584-585. From 1620 to 1643, it is estimated that 21,200 persons were brought over to the four united colonies of New England, in 198 ships. J. A. Goodwin, *Pilgrim Republic* (1920 ed.), p. 415.

proclamation thereupon ensueinge, since which orders made and proclamation issued none of his Majesties people could have libertie to go untill they procured a certificate of their conformity, nor any ships though built at New England or subsedy men or vallueable unto subsidy men can goe thither, nor yet armour weapons ordinance powther shott corne vittuals clothing beasts cattell horses or merchandize be transported without licence first obtained under the hands of the said privie Councell. The stayeinge for which licences and procureing thereof hath beene soe chargeable and expensive that it hath exhausted and mightily impoverished both the owners of the said ships and all such passengers as have beene since transplanted.

And great customes and impositions have beene wrested from them, and the letters pattents duplicate or inolment will not serve for their discharge.

And the passengers must paie six pence a hedd before they can have liberty to depart and the shipp *James* being loaden with passengers goods for New England according to the directions of the pattent and ready to sett saile, was staied, and the goods taken out by the searchers and detayned three moneths and not redelivered but upon redemption and great chardge besides losse and spoile of part of the goods, contrary to the said letters pattents to the greate prejudice and exceedinge great discouragement of the passengers which will proove, unlesse a timely remedy be afforded and [an] utter ruine of the plantation.

Now forasmuch as the said plantation is likely to proove advantagious in a very short time unto this kingdome by supplyeing it with cordage cables sailes canvas pitch tarre masts for the tallest ships on the coastes, and timber fit for navigation which is almost altogeather decayed in this kingdome,

The petitioners humbly desire that the marchants and planters of New England and of this kingdome may have freedome to transport all their portable estates which by law are not forbidden with all other necessaryes for food apparrell tacle and munition and other things fit for the plantation and that the said merchants and planters may have priviledge to freight ships to the said plantation without any licence taxe or penalty whatsoever. And that all goods and merchandize for the suportation and encouragement of the planters may be free of all imposts and customes exportable and importable to and from the same.

And your petitioners shall daily pray etc.

THOMAS HAWKINS
STEVEN GRENSMYTH
MATHEW BRAY
JOSEPH YOUNGS

RICHARD MALBON
EDWARD PAYNE
ANTHONY WATTS
RIC ERERZSE [?]
ANO FRANCE [?]
WILL GOOSE
WILLIAM COORD

(MSS. H. of L.)⁴⁵

⁴⁵ Endorsed: "18 Mar. 1640. The Planters in Newe England." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 57. Annexed to the petition is "a particular of the liberties granted to the planters of New England their factors and agents by his Majesties letters pattentes dat. 4 Martii A^o 4^o Car.", 4 pp.

1641.

Apr. 19, HL. To the right honourable the Lords assembled in the highe Court of Parliament.

The humble petition of William Jackson of London esqr.⁴⁶

Sheweth that upon pretended differences and sugiestions of debtes stirred up and made against the petitioner by Thomas Batt gent. Thomas Frere marchant and William Leake lynnyn draper owners of the ship called the *Advantage* of London the petitioner knowinge his owne cleerenes and for peace sake beinge advised to putt the same to arbitrament, the said Batt, Frere, and Leake of the one part, and the petitioner of the other, did by theire severall obligations bearinge date the eighth day of February last, respectively binde themselves in the severall penall sommes of 4000 *li.* apart condiconed to stand to the determination and judgement of Jeremie Blackeman and John Smart marchantes arbitrators indifferently named to that purpose; so as theire award were made on or before the 24th day of the said moneth of Februarie and if the said two arbitrators should not agree within the time aforesaid then to stand to the determination and judgement of William Raineborrow, so as his award were made and given up accordinge to the condition before the sixt day of March last, as by the said two obligations and conditions thereupon indorsed more att lardge appeareth.

That the said two first nominated arbitrators beinge informed of the differences betweene them, upon full consideration had of what could be said on either part, could not find any cause of difference betweene them, and therefore as upon a *non liquet*⁴⁷ saw no cause to make anie award att all, and upon that ground purposely pretermitted theire time.

That afterwarde the said William Raineborrow by the instigation and practise of the said Batt, Frere, and Leake, did by writeinge indented under his hand and seale make an award, by which pretendinge that hee had heard and considered the allegations and demmaundes of the said parties in controversie on both sides, did award your petitioner to pay to the said Batt, Frere, and Leake theire executors administrators and assignes at the assurance office on the Royall Exchange London the somme of 1000 *li.* on or before the 6th day of Aprill next, and upon payment thereof generall releases to be made; this award (as is alledged) was left ready to be delivered to the parties accordinge to the direction of the said obligations:

Now so it is (may it please your good Lordships) that in truth your petitioner never had any notice of his assumption of the said award upon him, nor ever himselfe nor any for him was by the said William Raineborrow heard neither could there bee any legall prooffe or other matter more then bare affirmation and nude sugiestions given to direct his

⁴⁶ Jackson was commissioned by the Providence Company. In 1641 he returned to England with a prize of great value. In the following year he made an attack on the Spanish West Indies, capturing Jamaica in March, 1643. See p. 158; Newton, *Colonising Activities of the English Puritans*, pp. 267-268, 315-317; see also petition of Robert Robins, p. 134, *post*.

⁴⁷ "It is not clear", used to indicate the findings in cases in which the rights of the parties were doubtful.

judgement therein and that also since the makeinge and publisheinge of the said award (the busines ariseinge upon matters agitated in America) there have come certaine certificates and testimonialls from men of that quallitie and creditt, that upon view thereof the said William Raineborrow himselfe hath acknowledged that if hee had seene them before hee would not have done therein what hee hath done as by affidavit annexed appeareth.

For which reasons and for that your petitioners imployment lyes in the remote partes of the world, wherein his owne estate and many others are most deeply engaged, the ruine and extreame prejudice whereof must of necessitie follow the standinge fourth of the ordinarie proceedings in courtes of equitie, and for that the penalty of the said obligation lyes att common law most heavily upon the petitioners person creditt and estate, to the undoeinge of himselfe and divers others, and all occasioned by this award thus gott by surprise and upon untrue information:

The petitioner therefore most humbly prayeth your Lordships to take the examination of the said award and matters in difference into your Lordships consideration, and thereupon to render your petitioner such just releese as to your great wisdomes (upon hearinge the same) shall seeme meete, and in the meane time to stay all proceedings upon the said bond. So shall the petitioner and divers others daily pray etc. WILLIAM JACKSON. (*Ibid.*)⁴⁸

Apr. 19, HL. To the most honourable the Lords of the upper Howse of Parliament Assembled.

The humble petition of Thomas Batt, Thomas Frere and William Leake.

Humble sheweth that there were bondes of 4000 *li.* penaltie interchangeable entred into betweene the petitioners of the one part, and William Jackson esqr. of thother part, to stand to the award of John Smart and Jeremy Blackman merchantes arbitratours. And they not making their award within the time limitted Captain William Raynsborrow esqr. a member of the Howse of Commons and nominated by Mr. Jackson himselfe was to sett a period to the differences as umpire, and the said Captaine Rainsborrow ayming at peace did make an end (as himselfe and other gent in like case spending their time would thinke) of all differences to him referred by awarding the petitioners 1000 *li.* to bee paid the 6th of this instant Aprill, and the petitioners had bene herewith pleased could they have had their mony accordinglie although they loose by the busines at least 3000 *li.*; but may it please your Lordships the said Jackson failing in payment the petitioners have taken their lawfull proceeding against him, by arresting him in London upon the said bond of 4000 *li.* which the said Jackson seeketh to avoid by claimeing priviledge of protection from the right honourable the Earle of Warwick, which protection and priviledge the said Jackson did never enter with the sheriff as is usuall in like cases, and after hee was arrested gave out speeches that he scorned to receive or make use of anie protection;

⁴⁸ Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 59. Annexed is an affidavit of Robert Lewes, in support of the statements in the petition.

and forasmuch as the said Jackson being verst in sea affaires may easily depart this kingdome, and soe the petitioners may be in hazard to loose all their debt as the case standeth.

And the said Jackson being discharged of the petitioners action against him by order of this honourable Howse and aswell your petitioners as alsoe Samuell Ward and Michael Smith sergeantes at mace for arresting the said Jackson are by your Lordships said order in the custodie of James Maxwell esqr. gent usher, to their verie great charge, and like to tend to the utter undoing of them and their families.

Your petitioners doe most humblie beseech your Lordships grave considerations of their case and condition, and that the said Jackson being noe howshold servant of the said earle to your petitioners knowledge, that your Lordships will vouchsafe to give order for their release, or else that baile may bee taken for their apparance before your Lordships, and that the petitioners may have the benefitt of the lawe against the saide Jackson for recoverie of their right.

And your petitioners will ever pray etc. THO: FRERE. (MSS. H. of L.)⁴⁹

Apr. 19, HL. Next Thomas Frere, Thomas Batts, attorney, Nich. Smith, and Sam. Warde, serjeants, were brought to the bar, for arresting Captain Wm. Jackson, servant to the Right Honourable the Earl of Warwicke, in time of Parliament, contrary to the privilege of Parliament. The Earl of Warwick, in the House, avouching the said Captain Wm. Jackson to be his menial servant, and took wages of his Lordship; and it appearing to their Lordships that Frere was told that Jackson had a protection from the Earl of Warwicke, yet the said Frere caused Jackson to be arrested, and his goods attached, and defamed him upon the Exchange, and said, that he cared no more for Jackson's protection than a wooden dagger: it was ordered, that the person of the said Captain William Jackson shall be forthwith released; and likewise his goods, which were attached, and now in the possession of William Penoyer and others, shall be delivered unto the said Wm. Jackson, or his assigns; and the attachment to be dissolved, and his goods freed from the said attachment; and also it was ordered, that Thomas Frere shall be committed to the Fleet, for arresting Captain William Jackson, at his suit, contrary to the privileges of Parliament, and speaking contemptuous words against the said privileges, there to remain until he pay unto the said Jackson his costs which he hath expended in this suit, and until the further order of this House be known; and lastly it was ordered, that the rest of the delinquents be discharged of their imprisonment, because they knew not that Jackson was privileged by Parliament until after the arrest was made.

Thomas Frere was brought to the bar as a delinquent; and the Speaker pronounced the said order to him; and he was forthwith carried to the Fleet. (*L. J.*, IV. 221.)

⁴⁹ Endorsed: "19 Apr. 1641. Petition. Tho: Batt, Tho: Frere, Wm. Leake, petitioners." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 59.

Apr. 20, HL. Upon the humble petition of Thomas Frere, now a prisoner in the Fleet, by order of this House, acknowledging his submission and fault, in arresting Wm. Jackson, servant of the Earl of Warwick, contrary to the privilege of Parliament; it is ordered, that the said Frere shall be discharged of his imprisonment, upon performance of the order of this House, made the 19th of this instant April. (*Ibid.*, p. 222.)

May 11, HL.⁵⁰ To the right honourable the Lords now assembled in the upper house of Parliament.

The humble petition of the owners of the good shipp called the *Edmond and John* of London, now bound to New England, and of the planters and passengers now bound in her, thither.

Humbly sheweth that the said shipp being bound for New England aforesaid with passengers and goods and afterwards with fishe to Spaine, and now lying at Gravesend, was on Satterday last by order from your Lordships steyed there,⁵¹ soe as now she cannott proceede on the said voyage, to your petitioners greate losse and hindrance there being about 120 passengers (all most all very poore people) at dayly charges besides 30 seamen all in pay, and the said shipp in hassard and daunger in loosing of her fishe and her after employment.

Forasmuch as none of the said passengers or seamen are guilty of any offence or misdemeanor committed by them against his Majesty or the state but are goeing in the said voyage about their lawfull affaires and businesses

Your petitioners therefore humbly pray your Lordships to be pleased to give speedy order and directions for the said shipp proceeding on her said voyage with the said passengers and goods.

And they (as in duty bound) shall dayly pray etc. (MSS. H. of L.)⁵²

May 14, HL. Att the hearinge of the busines before the Lordes it was (besides the matter concerninge the protection) by Mr. Herne of counsell with Frere Batt and Leake and by Mr. Bosdon of counsell with Captaine Jackson in presence of parties on both sides submitted to their Lordships to take all the matters in difference betweene them concerninge the said voyage and award into their consideration and upon hearinge the ground of the differences to judge what shall to them seeme just.

This omitted to be entred in the order, pray the same may be inlarged to the same purpose and a day appointed to heare the cause and an order for summoninge and swearing the witnesses.

The Lordes will remember the matter (doubt not) very well.⁵³

Ordred 14 May 1641.

Frere being ordered to pay Captain Jackson costes, doth in contempt of the order refuse to pay it. (MSS. H. of L.)

⁵⁰ "After this, divers petitions of merchants were presented to the House, and some were read; complaining of the great loss and prejudice which redounds to them, by staying of their ships at the ports; desiring relief herein." *L. J.*, IV. 244.

⁵¹ Referring probably to the order of May 6 for stopping the ports (*L. J.*, IV. 236). Cf. *Acts P. C. Col.*, I. 248-249.

⁵² Endorsed: "Lecta 11 Maii 1641. The Planters of Newengland." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 62.

⁵³ From here the paper is in a different hand. Endorsed: "14 Maii 1641. Capt. Jackson." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 63.

May 14, HL. Ordered, that the cause between Captain William Jackson and Frere and others, shall be heard, before the Lords committees for petitions, on Tuesday the 25th of the instant May; and all parties interested therein are to have notice thereof, and attend their Lordships accordingly. And lastly, that the said Thomas Frere shall, upon sight hereof, pay, or cause to be paid, all such sum or sums of money as he was to have paid to the said Captain William Jackson by virtue of a former order of this House.⁵⁴ (*L. J.*, IV. 248-249.)

May 27, HC. *1a vice lecta est billa*, An act for a subsidy, granted to the king, of tonage, poundage, wools, etc.⁵⁵

Ordered, that the bill of tonage and poundage shall be read the first thing, when the House meets after dinner. (*C. J.*, II. 159.)

May 27, HC. *2da vice lecta est billa*, An act for a subsidy, granted to the king, of tonage and poundage, wools, etc.; upon question, committed unto a committee of the whole House.

The House doth declare, that their intention is, that customs, imposts, and other payments, upon all merchandize, except tobacco, (the which this House doth leave to the consideration of the grand committee) shall be taken for so long time as the House shall think fit, in the same manner as now they are.

Mr. Solicitor,⁵⁶ Mr. Selden, Sir John Culpepper, Mr. Whistler, Serjeant Wilde, Mr. Hollis, Mr. Greene, Mr. Prideaux;

This committee is to prepare a preamble to the bill of tonage and poundage; and likewise an addition to the said bill, according to the order and declaration of the House; and to present it to the House to-morrow *post meridiem*: and are to meet to-morrow morning at seven of clock, in the Inner Star-chamber. (*Ibid.*)

May 27, HL. To the right honourable the Lords assembled in the High Court of Parliament.

The humble petition of Joseph Hawes marchand.⁵⁷

Sheweth to your Lordships that the petitioner upon an humble petition about 5 weekes since, had his cause heard by a committee of your Lordships in the Painted Chamber, concerning plate and indigo of the Spaniardes to the value of 9000 *li.* and upwardes, arrested by the petitioner with assent of the Lordes of the Councell formerly, towards satisfaction for the Spanish misdemeanor unjustly surprizing his Majesties subjectes being in amitie and robbing the petitioner of shipp and goodes, being bound for his Majesties plantation in Virginia, which by his Majesties proclamations, he hath promised to protect.

⁵⁴ Apr. 19, *ante*.

⁵⁵ Resolutions ordering the drawing of this bill were passed Mar. 18 and 26 (*C. J.*, II. 107, 157). Seven acts were passed during this session granting subsidies of tonnage and poundage upon merchandise exported and imported. (*C. J.*, II. 206, 250, 326, 403, 489, 546, 639; *L. J.*, IV. 309, 358, 456, 553, 658, V. 29, 166.) These acts ran to July 1, 1642 (16 Car. I. cc. 8, 12, 22, 25, 29, 31, and 36). Each act contained a provision against any charge on tobacco from the English plantations other than the duty already imposed, of two pence upon the pound. In addition, the last act provided that one-half of this duty should be repaid if colonial tobacco were re-exported. *Statutes*, V. 176.

⁵⁶ Oliver St. John, solicitor general 1641-1643.

⁵⁷ Earlier references to this case are given on pp. 100, 105.

The said right honourable Lordes in that comittee thought fitt, understanding by counsell on both sides, that the baile remained firme for one year and a day, which is now almost expired if your petitioner did in the same tyme prosecute, thought the cause fitt to proceed in the delecates⁵⁸ and to appoint the judges with present dispatch, but upon the counsell's motion that Sir Henry Martin desired to speake with their Lordships in private concerning the said busines, concluded nothing at that present.

The petitioner most humbly beseecheth your good Lordships (he being a prisoner and undone by the losse, haveing spent much money since this three yeare and halfe in Spaine for satisfaction, haveing obtained the favour of their Lordships letters of the Privie Counsell for demanding of satisfaction in Spaine, but their letters not regarded) to be pleased to appoint a speedie hearing in the Delecates, and to determine of the judges for the said cause, or ells [else], which the petitioner had most rather, wave his appeale there haveing not proceeded and submit to your Lordships determination of the cause with his counsell, when your Lordships please to comaund.

And your petitioner shall daily pray etc. JO HAWES. (MSS. H. of L.)⁵⁹

May 27, HL. Ordered, that the cause of Joseph Hawes shall be heard openly in this House, at the bar, by counsel on both sides, on Friday come sevensight, in the morning; at which time and place all parties interested are to attend. (*L. J.*, IV. 259.)

May 28, HC. Ordered, that the bill of tonage and poundage shall be proceeded in, this afternoon, at a committee of the whole House. (*C. J.*, II. 160.)

May 28, HC. Mr. Solicitor⁶⁰ reports the bill of tonage and poundage, from the particular committee appointed to prepare a preamble to the bill, and some other additions: the which were twice read; and, upon the question, committed, together with the bill, to a committee of the whole House:

And accordingly the House was resolved into a committee.

Mr. Speaker⁶¹ left the chair.

Mr. Lisle called to the chair.

Mr. Speaker resumed the chair. (*Ibid.*)

June 1, HC. Ordered, that the committee of the whole House, for the bill of tonnage and poundage, sit this afternoon at two of clock: and Mr. Speaker to be present. (*Ibid.*, p. 163.)

June 2, HC. Mr. Lisle reports the bill of tonage and poundage; with the amendments, additions, and alterations: the which were all twice read: the bill was recommitted to this committee following; to consider of some amendments and additions to the temporary bill of tonage and poundage;

⁵⁸ Court of Delegates.

⁵⁹ Endorsed, "27 Maii 1641". Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 68. This petition is not referred to in the *Journals*, though the next entry shows that the matter was before the House.

⁶⁰ Oliver St. John.

⁶¹ William Lenthall.

Mr. Selden, Mr. Solicitor, Mr. Waller, Sir Hen. Mildmay, Mr. Lisle, Sir John Colpepper, Mr. Hollis. (*Ibid.*, p. 164.)

June 2, HC. Mr. Lisle reports the bill of tonage and poundage, from the committee, upon a recommitment; with some amendments: the which amendments were twice read.

Resolved, upon the question, that this grant of the subsidy of tonage and poundage shall be granted to certain commissioners, to the use of our sovereign lord the king (*Ibid.*, p. 165.)

June 4, HL. Ordered, that Joseph Hawes's cause shall be heard in open House on Friday next, the 11th of this instant June, in the morning.⁶² (*L. J.*, IV. 264.)

June 10, HC. Resolved, upon the question, that the grant of subsidy of tonage and poundage shall, for the time limited in the bill,⁶³ be granted to the king.

Mr. Solicitor, Mr. Glyn, Mr. Selden, Mr. Lisle, Sir Hen. Mildmay, Mr. Hide, Mr. Cage, are to retire into the committee-chamber, to amend the bill for tonage and poundage, according to the resolution of the House, this day made. (*C. J.*, II. 172.)

June 10, HC. Mr. Lisle reports the bill of tonage and poundage, upon the recommitment: and, upon question, ordered to be ingrossed.

And it is ordered, that this bill be in no day read the third time, till after nine of clock in the morning. (*Ibid.*, p. 173.)

June 11, HL. This day the counsel of Joseph Hawes was heard, concerning a ship of his,⁶⁴ which was taken by the Spanish fleet near America, in lieu whereof the said Hawes took a ship of Spanish goods, and brought her into England, and proceeded here in a due course of law, for his satisfaction; and bail was put in by George Kilvart and Ferdinando Carvisal, who were bail here for the Spaniards; but, on a sudden, the ship with the goods, prized at eight thousand four hundred pounds, was released and sent away into Spaine. Thereupon the said Joseph Hawes sues for reparation from the bail. The counsel of Hawes having done; it is ordered, that the counsel of Kilvart and Carvizall shall be heard on Thursday next, at this bar, at nine a clock in the morning, why they shall not be liable to make good the losses of Joseph Hawes, which he sustains by taking of the said ship; and further, Sir Henry Martyn⁶⁵ is to attend, with his counsel, at the time aforesaid, to make defence to such matters in this business as concern himself.⁶⁶ (*L. J.*, IV. 272.)

June 15, HC. Ordered, that the bill for tonage and poundage shall be read to-morrow morning at nine of clock. (*C. J.*, II. 176.)

⁶² A postponement of the order of May 27.

⁶³ From May 25 to July 15, 1641. *Statutes*, V. 104.

⁶⁴ The *Elisabeth*.

⁶⁵ Judge of the Admiralty Court, before whom the cause was heard; see p. 105.

⁶⁶ On June 24 the defendants' counsel were heard, and the matter was referred to the master of the rolls and others. The cause was later heard before the Lords, and the bail entered into by Hawes ordered to be discharged by course of civil law (*L. J.*, IV. 277, 285, 687, 705, V. 10, 64). May 26, 1642, Hawes, then a prisoner in the Admiralty Court, again petitioned the Lords concerning the silver seized by him in reprisal. This petition was referred to the Admiralty Court. *Hist. MSS. Comm.*, *Fifth Rept.*, pt. I., App., p. 25; *L. J.*, V. 84, 136.

June 17, HC. *3a vice lecta est billa*, An act for granting the subsidy of tonage and poundage, and other sums, payable upon merchandize exported and imported: . . . and, upon question, passed. . . .

Ordered, that the bill of tonage and poundage be carried up, to-morrow morning, by Sir Tho. Barrington. (*Ibid.*, p. 178.)

June 18, HC. Sir John Hotham reports from the committee for advancing monies . . . Resolved . . . that all baronets, English, Irish, and Scottish, and of Nova Scotia, that inhabit within this kingdom, shall pay thirty pounds.

That the committee take into consideration, that the knights of Nova Scotia, though they be thus assessed here, that their precedence, in this kingdom, be no way, by this vote, confirmed . . . (*Ibid.*, pp. 178-179.)

June 18, HL. A message was brought from the House of Commons, by Sir Tho. Barrington, baronet, who presented a bill from the House of Commons, intituled, A subsidy granted to the king of tonnage, poundage, and other sums of money, payable upon merchandize exported and imported.

This bill was presently *1a vice lecta*. (*L. J.*, IV. 279.)

June 19, HL. *Hodie 2a vice lecta est billa*, An act, intituled, A subsidy granted to the king of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported.

Ordered, to be committed to the whole House. (*Ibid.*, p. 280.)

June 21, HL. . . . The House was adjourned during pleasure, to debate the bill for tonnage and poundage; and, after some consideration, the House was resumed. And

Hodie 3a vice lecta est billa, An act, intituled, A subsidy granted to the king of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported; and, being put to the question, it was resolved, *nemine contradicente*, to pass as a law.⁶⁷ (*Ibid.*, p. 281.)

June 25, HL. To the honourable house of Commons⁶⁸ now assembled in Parliament.

The humble petition of Samuëll Percevall and Ann his wife.

Sheweth that Sir Samuëll Argoll Knt. sometimes governor of Virginia⁶⁹ being owner of divers houses landes debtes goodes and chattell in that cuntry to the value of 2000 *li.* sterling and upwardes all which premisses the said Sir Samuëll by his last will and testament in wrighting bearing date in May the first yeare of his Majesties raigne that now is did give and bequeath unto your petitioner Ann⁷⁰ being his only daughter and childe.

That immediately after the premises were devulged one John Wodhall cirurgian⁷¹ now living in the citie of London and having had formerly

⁶⁷ Royal assent was given to the bill June 22. *L. J.*, IV. 283.

⁶⁸ Although addressed to the Commons, the petition, as the text and order show, was presented to the Lords. The *Journals* give no reference to the subject.

⁶⁹ Deputy governor 1617-1619. See note 89, p. 46.

⁷⁰ Widow of Alexander Bolling, scrivener, of London. Brown, *Genesis*, II. 816.

⁷¹ Woodall, a London surgeon, interested in sending cattle to Virginia. Many references to his disputes over his Virginia affairs will be found in *Cal. St. P. Col.*, 1574-1660, and in *Acts P. C. Col.*, I. His biography is given in *Dict. Nat. Biog.*, LXII.

much to doe in the plantation or collony of Virginia did make an incinuating repaire and adresse unto your petitioners seeming much to lament the losse and death of his greate freinde Sir Samuell Argoll, and professing that for his sake hee would doe great curtesies and all that lay in his power for the service and advantage of your petitioners by which said incinuating deceite and subtilty he interested himselfe in all the aforesaid estate conditioning to pay unto your petitioners for the landes in Virginia belonging unto them 150 *li.* and for every head of neate cattle 4 *li.* as alsoe in a reasonable maner to satisfie for the other goodes and chattles but never payd more unto your petitioners then the summe of 950 *li.* in consideration of all the premises.

That the said Wodhall under pretences that he coulde not otherwayes recover the premises did most unjustly and sinisterly gayne from your petitioners certayne grauntes and releases, by much threatninges imprisoning your petitioner Samuell and thereupon joyning and combeindeing with one Sir John Harvy late governor of Virginia did recover and possesse the said premises, and did make of cattle 1000 *li.* or thereabout and doth wrongfully detain in his handes or hath sould boundes belonging to your petitioners to the value of 1000 *li.* or thereabouts all which hath bine certefied unto the right honourable the Lordes of his Majesties most honourable privy Councell by Sir Abraham Williams, Sir Francis Wiat, Sir Abraham Dawes, and others to whome it was referred by their Lordships to examine and reporte upon the humble request of your petitioners as by the petition order and certificate may fully appeare.

That upon the presenting of the said certificate your petitioners without councell and the sayd Wodhall with councell attended the Lordes for the determining of the said businesse at which time Sir William Beecher then being a clarke of the Councell did soe strongly prevayle with the right honourable the late Lorde Keeper Coventry⁷² that the said businesse was referred by his Lordships only meanes to some then present and of councell in all the proceedings for Wodhall your petitioners adversarie soe that they your petitioners have received such unsufferable wrong injustice and delayes that unlesse this honourable assembly be pleased to take it speedily into your grave considerations they must of necessety perish.

It is therefore most humbly prayed that this honourable assembly will please to assigne a day and time for the hearing and setling of the said businesse and to commande before you at the said day and time the aforementioned Sir John Harvy, John Wodhall and any elce concerned in the premises as alsoe all such proofes and wittnesses as may bee conceived to bee usefull for proveing the premises and thereupon to take such order in it as to your grave wisdomes shall seeme meete.

382; Brown, *Genesis*, II. 1059. In 1631 and 1638, upon his petitions to the Privy Council, the governor and council of Virginia were ordered to restore to him his right to land and cattle purchased of the heirs of Argall. (*Acts P. C. Col.*, I. 163, 237; *Cal. St. P. Col.*, 1574-1660, p. 291.) The matter of the cattle claimed as belonging to Argall, and Dr. Woodall's relation to them, are illustrated by several documents from the manuscripts of Lord Sackville, printed in *Am. Hist. Rev.*, XXVII. 501-519.

⁷² Appointed in 1625, died in 1640.

And your petitioners as in duty bounde shall dayly pray etc. (MSS. H. of L.)⁷³

June 25, HL. Upon reading the petition of Samuell Percevall and Anne his wife before the right honourable the Lords comittees for petitions in the high court of Parliament, it is this day ordered by their Lordships that Sir John Harvey, Sir William Beecher, Ktes, and John Woodhall shall upon notice hereof appeare before their Lordships on the first Wednesday of next sitting in Michaelmas terme at two of the clocke in the afternoone, and answere to such things as in the petition are sett forth at which time and place Captaine Claborne, Captaine Tucker, George Sandys Esquire, Mrs Hatchkins, Nicholas Hayes, Mr Parke, Henry Russell and Mr Widday shall upon like notice appeare before their Lordships to testify their knowledge concerning such things as in the said petition are expressed. (*Ibid.*)⁷⁴

July 5, HL. To the Right honourable the Lords Assembled in the house of Peeres this present Parliament.

The humble petition of Richard Young, master of the shipp *Rebecca* on the behalfe of himselfe, and the rest of the English men freighters of the sayd ship.

Sheweth that the petitioner haveing the sayd ship full fraught with merchandize of tobacco of the growth of Virginia well worth 12000 *li.* at least, and haveing therin divers letters from the governor, merchants and inhabitants of Virginia of especiall note, directed into England and haveing therin also divers billes of exchange and notes for receipts of money here in England of great consequence together with his bookes of accompt, and a bill of sale of the said shipp, and billes of lading and other writings tending to the petitioners proffitt, together also with money, gold rings, plate, jewells, diamonds, pearles and wearing apparell of great value,

That the owner of the sayd ship haveing entered into bond of 1000 *li.* sterling to the sayd governor to and for his Majesties use conditioned for the true payment of the dues and customes for the said goodes to the farmors of the cittee of London, as may appeare by a certificate under the governors and councells handes of Virginia now in the custody of the Dunkirkers, if the same might bee produced,

That the petitioner, bound for London with the said shipp and fraught (wherin was the whole livelyhood and meanes to subsist of the petitioner, and divers other Englishmen his Majesties subjects) and sayling up the channell on Wenesday in Easter weeke last upon his Majesties coastes of England and in a direct course for the port of London, neere to Portland, was sett upon by two Dunkerkers men of warre, taken, and forced into Dunkerke, and there by them pillaged, and by sinister and unjust meanes made prize, and then afterwarde the petitioner and 8 or 9 other

⁷³ Endorsed: "Percival. Lecta XXVto Junii 1645. To the Right honourable the Lordes Spirituall and Temporall of the house of Parliament now assembled." Calendars in Hist. MSS. Comm., *Fourth Rept.*, App., p. 78.

⁷⁴ Annexed to the foregoing petition. Another copy is attached, containing the names of the first four witnesses only, and signed by J. Browne, clerk.

Englishmen were turned on shore allmost naked, they the Dunkerkeres detayning the sayd ship with the said letters, goodes, billes of exchange, bookes of accompt, money, jewells and clothes and other fraught, in derogation to the kinges most Excellent Majestie and to the utter undoing of the petitioner and other his highnes sayd subjectes, whose names and particulars of the sayd fraught shall bee more particularly sett forth if it bee required.⁷⁵

In tender consideration wherof may it please your Lordships to take the petitioners distressed estate into your honourable considerations, and upon examination and proofes heerof and the rest whome it concernes, to give them such reliefe heerin as to your grave wisdomes shall seeme meet and most expedient.

And your petitioner (as in duty bound) shall ever pray etc. RICHARD YOUNG. (MSS. H. of L.)⁷⁶

Aug. 3, HC. Resolved, etc., that this House holds it fit, that all such petitioners about tobaccoes of Somer Islands, and other English plantations etc. as have had their ships and tobaccoes taken on the seas, or by commanders of any of his Majesty's forts and castles, and men put into them; or by any of them enforced to enter bond to bring their ships and goods to London; or otherwise enforced to land their tobaccoes in any other port, and by any of the farmers officers detained; ought to have their tobaccoes delivered them, without payment of any customs, or other duties, for warehouse-room or otherwise; and for such of them as have been compelled to pay any sums of money, or given bonds for the payment of monies, that the officers, which received their monies or bonds, ought to make them restitution thereof.

Resolved, etc. . . . Thought fit, that all tobaccoes, of any English plantations, now remaining in any warehouses, in the custody of any officers of the custom-house, either in the port of London, or otherwise, and not brought in by force, as before, shall pay after the rate of two pence per pound for custom, for all such as is merchantable, and not corrupt and wholly decayed. (*C. J.*, II. 234.)

Aug. 13, HC. Mr. Green proceeded with his report concerning the customs of tobaccoes.

Upon the question, whether the tobaccoes, that are merchantable, of English plantations, not brought in by force, ought to pay two pence per pound.

The house was divided.

⁷⁵ There were a number of seizures by Dunkirkers this year, on the ground that tobacco was contraband of war (Beer, *Origins*, p. 216). The *Fourth Report* of the Hist. MSS. Comm. (App., p. 113) calendars a similar petition of Jeffery Howland, John White, and William Watts, London merchants, to the House of Lords, complaining of the seizure by Dunkirkers of their ships, the *Joseph* and the *Farefield*, laden with Virginia tobacco.

⁷⁶ Endorsed: "5 Julii 1641. Richard Young Master of the ship Rebecca in the behalfe of himselfe etc taken by the Dunkerkeres. 20 Junii 1641." Calendared under date of June 20 in Hist. MSS. Comm., *Fourth Rept.*, App., p. 76. As this date fell on Sunday, the petition could not have been then presented. There is no reference to the matter in the *Journals*. This may well be the Richard Young of the documents of 1622 printed in *Am. Hist. Rev.*, XXVII. 533-536.

Sir H. Mildmay, Mr. Wheeler, for the yeas; Sir Tho. Bowyer, Mr. Boswell, for the noes.

With the yeas, that went forth, 73.

The noes, that staid in, 58.

After farther debate, the rest of the votes were laid aside. (*Ibid.*, p. 255.)

Aug. 19, HC. Ordered, that Sir Jo. Harvey⁷⁷ knight, Rich. Kemp,⁷⁸ and Captain Christo. Wormeley,⁷⁹ shall not depart the kingdom, without special order and licence first had and obtained from this House. (*Ibid.*, p. 264.)

Aug. 19, HC. *1a vice lecta est billa*, An act concerning the payment of custom for tobacco of English plantations, brought into this realm before the 25th day of May 1641.⁸⁰ (*Ibid.*)

Aug. 25, HC. Ordered, that the bill concerning the payment of custom for tobaccoes of English plantation, shall be read to-morrow morning at nine of clock. (*Ibid.*, p. 271.)

Aug. 27, HC. *2da vice lecta est billa*, An act for the payment of a subsidy or custom upon tobaccoes of English plantation.

And the questions being put for the commitment; and ingrossing; they both passed with the negative. And thereupon the bill was rejected.⁸¹ (*Ibid.*, p. 273.)

Aug. 30, HC. The humble petition of merchants and others, well-affected subjects of this realm of England, concerning the speedy erect-

⁷⁷ Harvey was appointed governor of Virginia Mar. 26, 1628, but did not proceed to the colony until a year or two later. His administration was so unpopular that in May, 1635, an assembly was called to hear complaints against him, and Harvey was expelled from office. He carried his case to the Privy Council, which body acquitted him of the charges brought against him and restored him to office. His acts of injustice and oppression continuing, his enemies in 1639 finally succeeded in having him removed from office. Among those who suffered at the hands of Harvey was a certain clergyman, Anthony Panton, who was charged with "mutinous speeches and disobedience", brought to trial, fined, and banished from the colony. It was on his complaint that this order was issued. See later entries, and Hist. MSS. Comm., *Fourth Rept.*, App., pp. 104-105. Good accounts of Harvey's career and of this controversy are given in Wertenbaker, *Virginia under the Stuarts*, pp. 64-84; and in Mass. Hist. Soc., *Collections*, fourth ser., IX, 131 n.-149 n. There are numerous references in *Cal. St. P. Col.*, 1574-1660, and in *Acts P. C. Col.*, I.; and many of the letters in the case are printed in the *Va. Mag. Hist.* The court record of the complaint is printed in vol. V., pp. 123-128, of that magazine.

⁷⁸ Richard Kemp was appointed secretary of Virginia and member of the council in 1634. In the absence of Sir William Berkeley, he was acting governor from June, 1644, to June, 1645. He died in 1656 (*Va. Mag. Hist.*, II. 174-175, VIII. 160). For an account of his relations with Harvey and Panton, see his letter in the *Aspinwall Papers*, Mass. Hist. Soc., *Collections*, fourth ser., IX. 131-152.

⁷⁹ Wormely had been governor of Tortuga 1632-1635 and probably came to Virginia in this latter year. He was justice of York County in 1636 and in the following January became a member of the council. During 1639-1640 he was commander-in-chief of Elizabeth City and Charles River (York) counties. He was still a member of the council in 1642/3. *Va. Mag. Hist.*, III. 23 n., IX. 173 n.

⁸⁰ This bill failed to pass. The restrictions on the colonial export trade of tobacco, existing at this time, are fully discussed by Beer, *op. cit.*, pp. 215-219, 342; Bruce, *Econ. Hist. Va.*, I. 347-349.

⁸¹ On Aug. 30 the Lords joined with the Commons in a motion to the king to free foreign goods from custom and subsidy when such goods should be exported again within a year. *C. J.*, II. 275; *L. J.*, IV. 383.

ing of a company for America and Africa,⁸² to the southward part of Cape Blanke,⁸³ and the islands adjacent thereunto, was read; and referred unto Colepeper, Pym, Rudyard, Vassall, Harley, Bellassis, Hollis, Sir Rich. Cave, D'Ewes, Barrington, Falkland, Hales, Serjeant Wilde, Scawen, Purefrey, Rolle, Bowyer, Rodney, Browne, Merrick, Vane, Hotham, Rowse, Rainsborough, Soames: and all, that will come, are to have voices: and are to meet on Thursday next at two *post meridiem*, in the Star-chamber: and have power to send for parties, witnesses, papers, records: and the care of this petition is especially committed to Sir Jo. Colepeper and Mr. Pym. (*Ibid.*, p. 276.)

Aug. 30, HC. In the House of Commons this day they received a petition from divers merchants of quality about London, which being read, consisted of these particulars.

1. That there might be a certain number of ships well manned and stored with ammunition and provision for such service, to be sent to America, and some part to Africa, whereby we might possesse our selves with the riches of those countries.

2. That the Spanish party is now growne weake, which may induce us with the greater alacrity to attempt it.

3. That we may thereby possesse our selves of the command of the North and South Seas, and make us formidable to our enemies abroad.

This was well approved of by the House of Commons, and committed to the care of a select committee to consider of it, and to give the House an account thereof. (*Diurnall Occurrences . . . in this Great and Happy Parliament*, pp. 356-357; ⁸⁴ Add. MSS. 36829, ff. 103-104.⁸⁵)

Aug. 31, HC. The humble proposition made to the right honourable the Lords and Commons, was read; and referred to the committee for the petition for erecting of a new company for America: and that that committee shall sit on Thursday next, notwithstanding any adjournment⁸⁶

Mr. Solicitor⁸⁷ is added to this committee. (*C. J.*, II. 278.)

⁸² The next item gives a fuller summary of this petition. Many attempts had previously been made to establish an African company with exclusive rights of trading, but these commercial companies could not compete against the private traders and interlopers. This trade with Africa supplied the slave labor in the development of the West Indies. The most recent account of these early African companies is by George F. Zook, *Company of Royal Adventurers Trading into Africa*. For other good accounts see Scott, *Joint-Stock Companies*, II. 1-17; Cunningham, *Growth of English Industry and Commerce in Modern Times*, pp. 272-279.

⁸³ In 1631, Sir Nicholas Crisp and partners received a monopoly of trading privileges, for a period of thirty-one years, between Cape Blanco and the Cape of Good Hope and in the adjacent islands. In 1651 this monopoly was extended over a larger area, and was continued for fourteen years. Zook, *op. cit.*, pp. 6, 14; Scott, *op. cit.*, pp. 14-17.

⁸⁴ See p. 105, note 24, *ante*.

⁸⁵ "Proceedings in Parliament, 31 May-2 Sept., 1641; in weekly sections, each headed 'Diurnall occurrences in Parliament from — to —.'" *Cat. Add. MSS.*, 1900-1905, p. 238.

⁸⁶ The nature of this "proposition" is not given. Sir Nicholas Crisp's patent for the Guinea trade (*C. J.*, II. 33), the matter of the exchange and keeping of money in the kingdom, and the business of fishing were other matters referred to this committee, appointed Aug. 30.

⁸⁷ Oliver St. John, 1641-1643.

Aug. 31, HC. The humble petition of Rich. Kemp and Christopher Wormeley was read;⁸⁸ and nothing done in it at this time; but a resolution taken to consider of it between this and Monday, or on Monday next. (*Ibid.*)

Sept. 6, HC. The humble petition of Richard Kemp, and Christopher Wormeley, was read: and it was ordered, that this business be respited till Wednesday morning next. (*Ibid.*, p. 280.)

Sept. 8, HC. Ordered, that Mr. Kemp and Captain Wormley shall have liberty to go upon their occasions into Virginia, notwithstanding the former order of this House for their restraint: and that the petitions preferred against them here be remitted to the consideration of the governor and council in Virginia; in regard that this House by reason of their many great occasions, cannot intend to hear and redress those complaints at this time.⁸⁹ (*Ibid.*, p. 283.)

Sept. 14, HC. The committee of the house of Commons⁹⁰ sate about Captaine Cripps pattent,⁹¹ upon log-wood which dyers use, and also upon the erecting of a West India Company, and having sate most part of that day, they adjourned their house till saturday following. (*Diurnall Occurrences . . . in this Great and Happy Parliament*, p. 364.)⁹²

Oct. 30, HL. To the right honourable the Lords assembled in the High Court of Parliament.

The humble petition of Anthony Panton clerke, minister of Godes word in Virginia, and agent for the church and clergie there.⁹³

Most humblie sheweth, that according to the trust comitted unto him, the petitioner hath sent home into England since the yeare 1635 sundrie just complaintes of the manifold and intollerable greivances, that have been forced upon that hopefull (though neglected) colony, by the long and exorbitant government of Sir John Harvie late governor; but cheifely since the overswaying councells and practices of Mr Richard Kempe secretary, together with Captain William Brocas⁹⁴ and Captain Henry Browne⁹⁵ councillors of state and Captain Christopher Wormeley late comaunder of Charles County; and hath exhibited his aforesaid complaintes, first to the most honourable Lordes and others of his Majesties privie Councell, *annis* 1639 and 1640,⁹⁶ and since that to the honourable Howse of Comons now assembled, hoping and expecting some timely releife therein. And that the government both of the church and state

⁸⁸ See order of Aug. 19.

⁸⁹ Failing in his efforts to have the Commons redress his grievances, Panton carried his complaints before the Lords. See entries of Oct. 30 and Nov. 3, below.

⁹⁰ Appointed to sit during the recess of both Houses, Sept. 9-Oct. 20, and given power to consider these and other matters. *C. J.*, II. 288.

⁹¹ See note 83, *ante*.

⁹² Concerning this work see p. 105, note 24. The pagination of pp. 363-366 is repeated; the reference is to the second page numbered 364. For another account of the sessions of this committee, scarcely different from this, see *Cal. St. P. Dom.*, 1641-1643, p. 122.

⁹³ See p. 121, note 77, *ante*.

⁹⁴ A member of the council to 1655. A biographical note is given in *Va. Mag. Hist.*, I. 421 n.-422 n.

⁹⁵ Councillor of Virginia. He was suspended from October, 1641, to the following March. *Va. Mag. Hist.*, VIII. 66-67.

⁹⁶ *Acts P. C. Col.*, I. 269-270; *Cal. St. P. Col.*, 1574-1660, pp. 301-302, 310-311.

there, may no longer continue under an opinionary and arbitrary law, or supported by singular and private instructions, but by the established lawes of the kingdome of England, to avoid all future contentions and complaintes upon the place, that all his Majesties loveing subjectes may enjoy themselves in peace.

And whereas your petitioner with divers other adventurers and planters of Virginia have many weightie and hainous matters, to lay to the charge, especiallie of Mr Richard Kempe secretary and Sir John Harvie afore-said; *vizt*, illegall proceedings in judgement; turrany; extortion; and most cruell oppression; which have extended unto unjust whipping; cutting of eares; fineinges, and confiscation of honest mens goodes and estates; publique and scandalous submissions; banishmentes under paines of death; with giving power to any, in case of returne to execute without further judgement; sentenceing one to have his right hand cutt off; others to have their eares cropped; their nose slitt; and tongue bored through; degrading of honest comissioners; long and irkesome imprisonmentes; laying on of irons; inforcementes to serve the colony; leading in halters to the gallows, beating of kettles before them; converting fines to their own private use, to the greate impoverishing of the colony, and enriching of themselves; have sold his Majesties powder, made use of carriage wheelles in stead of cart wheelles, which have been sent over for the serving and defence of the colony; have favoured and supported popery and the popish faction; which is at this instant publicly and audaciouslie professed and practized in a whole plantation, within the former verge and limittes of Virginia, to the great scandell and disturbance of religion,⁹⁷ the interdiction and interception of the richest and choicest trade with the natives; the surprizall of boates and goodes; in the defence of which, some have been shott to death; others unjustly hanged; and many dead and living mens estates, made a prey unto their teeth, to maintaine their ryott and excess; and divers other thinges of like nature, together with their refusall to answeere some of theise in the cuntrie; the Secretary Kempe his running privately out of the cuntrie; his carrying away with him the charter, and divers papers, depositions and recordes; his darke and indirect practices since his flight for England; and his adding to and taking away from the orders of the court, without the consent of the councell there.

And whereas the petitioner with the rest of the complainantes, have to their extraordinary and intollerable charges and utter undoeing, attended their busines, entred into the howse of Commons and nothing done therein, since the 4th of January last,⁹⁸ in which intermission and long tract of time, the abovesaid charged delinquentes, by the countenance and helpe of the Lord Baltimore, have gotten extreame advantage, and

⁹⁷ Harvey had given assistance to Baltimore in the establishment of the Maryland plantation, especially in opposing Claiborne's claim to the Isle of Kent. Wertenbaker, *Va. under the Stuarts*, pp. 68-72; *Aspinwall Papers*, Mass. Hist. Soc., *Collections*, fourth ser., IX, 146 n.

⁹⁸ Cf. the order of Aug. 19, *ante*, restraining Harvey, Kemp, and Wormeley from leaving the kingdom. No action on this day is reported in the *Journals*; petitions from Virginia were before the Commons on Dec. 18 and Jan. 6. See pp. 101, 103.

now at last upon false suggestions, (the petitioner cannot conceive how) have abused his Majestie and the present governor of Virginia,⁹⁹ and have surrepticiously a new governor¹⁰⁰ and a new comission from his Majestie, to be immediately sent over for the colony, to revoake the former, who hath not exercised his government much more than one yeare and a halfe, without shewing any just cause, or lawfull exception against the former; all which doe tend to the further greife and vexation of the inhabitantes, and to the spoiling of the present just causes of the complainantes, yett depending, and neither heard nor determined, because of the more publike and urgent affaires of this kingdome,

May it therefore please this most honourable assemblie to vouchsafe your gracious letters to his Majestie for the timely stay both of the new elected governor and his comission, till all matters complained on may be rectified and ordered by this judicious howse; and in the interim to take order for the forthcomeing of the said Sir John Harvie, Mr Richard Kempe and Christopher Wormeley, to answeere unto such thinges, as are to be objected against them; and as they have seized on and confiscated the estates of the complainantes, for their owne uses; that soe the estates of the said Sir John, Mr Kempe and Captaine Christopher Wormeley may be sequestred, till due and just restitution and satisfaction be made unto the petitioners, as your Lordships wisdomes and grave judgements shall find fitt.

And your petitioner shall pray etc. ANT: PANTON. (MSS. H. of L.)¹⁰¹

Oct. 30, HL. Upon the petition of Anthony Panton, clerk, minister in Virginia, and agent for the church and clergy there; it is ordered, that Sir William Berkeley, knight, Richard Kempe, and Christopher Wormeley, shall be stayed their voyage to Virginia, and attend the Lords in Parliament forthwith, to answer the complaints in the said petition; but the intent of this House is not to stay any ship or ships that are bound upon their voyage, only the persons aforementioned; and the Lord Admiral is desired hereby to take order herein. (*L. J.*, IV. 411.)

Nov. 3, HL. The Lord Admiral¹⁰² signified to this House, "that he had, according to their Lordships order, stayed Sir William Berkeley, Kempe, and Wormeley, that were going to Virginia".

Hereupon Sir William Berkeley was called in, who alledged, "that he had a patent from the king to be governor of Virginia, Sir Francis Wyatt's time being near expiring; and, because it should be no prejudice to Sir Francis Wyatt, there are stipulations made by and between Sir William Berkeley and Mr. George Sandys,¹⁰³ in the behalf of the said Francis Wyatt, that Sir William Berkeley should enter upon the government and profits thereof presently". It is therefore ordered, that this

⁹⁹ Sir Francis Wyatt.

¹⁰⁰ Sir William Berkeley, whose commission was issued in August, 1641; he reached the colony in February, 1642.

¹⁰¹ At foot of petition: "Lecta 30 die Octobris 1641." Note. in another hand: "1. whole plantation of Virginia 2. one word answere and you will not bee troubled with attendance [?]." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 104.

¹⁰² Algernon Percy, tenth earl of Northumberland, appointed in 1638.

¹⁰³ An agreement made by Berkeley to protect the interests of Wyatt and his friends (Wertenbaker, *Va. under the Stuarts*, p. 86). Berkeley's petition is given below. Sandys was the agent for the colony in England (see p. 101, note 14, *ante*).

business shall be further [considered of] ¹⁰⁴ to-morrow morning, at which time Sir William Berkeley is to be present, and Mr. George Sandys on the behalf of Sir Francis Wyatt. (*Ibid.*, pp. 419-420.)

Nov. 3, HL. To the most honourable the Lords in the high Court of Parliament Assembled.

The humble petition of Sir William Berkeley knt.

Humbly sheweth that your petitioner being deprived by an order of this honourable house of his whole subsistence whereunto he readily submitted himselfe, he had recourse to his Majestie for the government of Virginia, and a grant passed to him thereof under the greate seale of England before the recess of the Parliament and before the departure of his Majestie from London.

And though divers complaints were threatned against your petitioner to both howses of Parliament, yet they were either withdrawen or not admitted and hee proceeded with all due regard here to Sir Francis Wyatt the former governour, yielding to all faire motions on his behalfe that his neerest friends did propound unto your petitioner with intent (as hee yet doth) to joyne in all love and amyty with him for the good of his Majesties service.

And that not doubting any further opposition hee hath upon his owne charge to the value of one thousand poundes fitted himselfe for the said voyage being expended in servantes and other necessaryes, all which wilbee utterly lost and your humble petitioner undone in his longer deteyning.

And that the complainant against your petitioner is altogether unknowne unto him and his complaints without ground, neither charging your petitioner with any cryme, and if hereafter in your petitioners absence any allegation shalbee proved against him your petitioner shall humbly submitt to the weight of your Lordships censure.

That in the meane time your Lordships would be honourably pleased to comiserate his cause, and to suffer your humble petitioner to depart upon his voyage, his further stay being to his utter undoeing.

And your petitioner (as in duty bound) shall ever pray etc. WILLIAM BERKELEY. (MSS. H. of L.) ¹⁰⁵

Nov. 3, HL. To the most honourable the Lords in the high Court of Parliament assembled.

The humble petition of Rich: Kemp and Christopher Wormeley.

Humbly sheweth that your petitioners having been prosecuted and molested above these twelve moneths by the unjust complaintes of one Anthony Panton late of Virginea a turbulent person and twice banished by two governors and counsells there, for his disorders and scandalous life, were at length in August last upon information to the honourable the howse of Commons against your petitioners, ordered by the said house not to depart the kingdome untill further order from thence, whereupon your petitioners did present their humble petition to the said house

¹⁰⁴ The words within the brackets are supplied in the *Journals*, with the note, "*Deest in Originali*".

¹⁰⁵ At foot of petition: "Lecta 3 Nov. 1641." Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., p. 104.

of Commons, that they would be pleased in comiseration of their great expenses here, even to their utter undoeing, and in respect of their great charge and familys in Virginea, who suffred much want through their absence, either to give present hearing to your petitioners otherwise to recommit them to Virginea.

That the said honourable house as appeareth by their order of the 8th of September hereunto annexed did give licence to your petitioners to goe to Virginea, and did recommit the petitions preferred against them to the governor and counsell of Virginea.

And your petitioners upon assurance of the said order did accordingly prepare themselves for their voyage expending therein all the money they could make or rayse from their creditts for the necessary supply of their families there, and the transporting of handy craftesmen and staple comodities having likewise intrusted into their handes divers goodes and merchandizes and accomptes to a great value of severall merchantes in London trading to the said colonye, and all the writings which did any way concerne your petitioners defense and justification, are likewise onboard the shipp not to be come att being stowed deepe in hold.

That in obedience to your Lordships high commands which your petitioners received onboard the shipp in the Downe on Munday the first of this present November, they forthwith came on shore to attend your Lordships pleasure.

Humbly craving your Lordships honourable consideration that being authorized by an order of the honourable house of Comons and by them their petitions against them being recommitted to Virginea they had no cause to expect a hearing in England, by which meanes they are disarmed of their necessary defense as also that their whole estate and creditt depend upon the voyage having no accomodation in any kind, or money left them to keepe them from starving besides the accountes for which they are liable to merchantes for goodes adventured with them, all which together with thirty servantes belonging to your petitioners on board the shipp in your petitioners longer deteyning here must of necessity miscarry.

May it therefore please your Lordships in consideration of the premises, honourably to bee pleased according to the order of the house of Commons to licence your petitioners departure, and to recommit the petitions against them, being meerly malicious and without any ground, to the governour and counsell of Virginea as aforesaid.

And your petitioners shall pray etc. RICH: KEMP, CHR. WORMELEY.
(MSS. H. of L.)¹⁰⁶

Nov. 3, HL. Ordered, that Richard Kempe, Esquire, secretary of Virginia, and Captain Christopher Wormeley (who have been staid from their voyage to Virginia, by a former order of this house, dated the 30th of October last, upon the complaint of Anthony Panton, clerk), shall have free liberty (by virtue of this order) to go on the voyage; and that

¹⁰⁶ Endorsed, "3^d Nov. 1641, Kempe, Wormeley petition". Attached to the petition is the Commons' order of Sept. 8. Calendared in Hist. MSS. Comm., *Fourth Rept.*, App., pp. 104-105.

the complaints of the said Panton against them are hereby referred to the examination of the governor and council of Virginia.¹⁰⁷ (*L. J.*, IV. 421.)

Nov. 4. HL. Ordered, that the cause between Sir William Berkeley and Sir Francis Wyatt shall be heard by their counsel to-morrow, when this House sits; and that Mr. George Sandys (appearing on the behalf of the said Sir Francis Wyatt) shall be heard what he can say in his behalf; and that the several patents granted to the parties shall be produced, or true copies of them; and that the witnesses on both sides shall then attend the said hearing. (*Ibid.*)

Nov. 5. HL. Upon hearing the cause this day between Sir William Berkeley, knight, and Sir Fra. Wyatt, knight, by counsel on both sides; and it appearing to their Lordships that Sir Wm. Berkeley had obtained letters patents, under the great seal of England, from his Majesty, to be governor of Virginia; and that Sir Fra. Wyatt's patent was but *durante beneplacito*; it is ordered by this House, that the said Sir Wm. Berkeley shall take the benefit of his said letters patents; and that he hath free liberty (notwithstanding any former restraint from this House) to depart presently for his voyage unto Virginia. (*Ibid.*, p. 424.)

Dec. 1. HC. The Remonstrance of the State of the Kingdom.

The commons in this present Parliament assembled . . . have thought good to declare . . . many other more miserable effects followed [the recovery and strength of the Catholics, and the usurpation of the bishops and clergy of the Established Church]: . . . The diverting of his Majesty's course of wars from the West Indies, which was the most facile and hopeful way for this kingdom to prevail against the Spaniard, to an expenceful and unsuccessful attempt upon Cadiz; which was so ordered, as if it had rather been intended to make us weary of war, than to prosper in it. . . . The bishops and the rest of the clergy did triumph in the suspensions, excommunications, deprivations, and degradations, of divers painful, learned, and pious ministers, and in the vexation and grievous oppression of great numbers of his Majesty's good subjects. The high commission grew to such excess of sharpness and severity, as was not much less than the Romish Inquisition; and yet, in many cases, by the archbishop's power¹⁰⁸ was made much more heavy, being assisted and strengthened by authority of the Council table. The bishops, and their courts, were as eager in the country; and although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous, in respect of the generality and multiplicity of vexations; which lighting upon the meaner sort of tradesmen and artificers, did impoverish many thousands, and so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the kingdom; some into New-England, and other parts of America; others into Holland, where they have transported their manufactures of cloth; which is not only a loss, by diminishing the present stock of the kingdom, but a great mischief, by impairing and endangering the loss

¹⁰⁷ Both Kemp and Wormeley continued as members of the council, and the former was acting governor in 1644-1645. See the authorities already cited on this controversy.

¹⁰⁸ William Laud, archbishop of Canterbury.

of that peculiar trade of cloathing, which hath been a plentiful fountain of wealth and honour to this nation. . . . (Cobbett, II. 946, 948, 952.)¹⁰⁹

[1641], HL. To the Most High and Honourable Court of Parliament now assembled.

The humble Petition of W[i]lliam Castell,¹¹⁰ parson of Courtenhall in Northamptonshire, for the propagating of the Gospel in America.

In all humble manner sheweth unto your approved wisdomes, the great and generall neglect of this kingdome, in not propagating the glorious Gospel in America, a maine part of the world: indeed the undertaking of the worke is (in the generall) acknowledged pious and charitable; but the small prosecution that hath hitherto beene made of it, either by us, or others, having (as yet) never beene generally undertaken in pittie to mens soules, but in hope to possesse the land of those infidels, or of gaine by commerce, may well make this and all other Christian kingdomes confesse, they have beene exceeding remisse in performing this so religious, so great, so necessary a worke.

May it therefore please your wisdomes to give your petitioner leave to propose briefly, (as the nature of a petition requireth) the more then ordinary piety, and charity of the worke; the evident necessity, and benefit of undertaking, together with the easinesse of effecting.

A greater expression of piety (your petitioner conceiveth) there cannot be, then to make God known where he was never spoken nor thought of, to advance the scepter of Christs kingdome. And now againe to reduce those, who (at first) were created after the image of God from the manifest worship of devils; to acknowledge and adore the blessed Trinitie in unity, to doe this, is to be happy instruments of effecting those often repeated promises of God, in making all nations blessed by the comming of Christ, and by sending his word to all lands: it is to enlarge greatly the pale of the Church. And to make those (who were the most detestable synagogues of Sathan) delightfull temples of the Holy Ghost.

It was a high point of piety in the queen of the south, to come from the utmost parts of the world to heare the wisdom of Salomon. And so it was in Abraham, to leave his native countrey for the better, and more free service of his God.

And certainly it will bee esteemed no lesse in those, who (either in their persons or purses) shall religiously endeavour to make millions of those silly seduced Americans, to heare, understand and practise the mystrie of godlinesse.

¹⁰⁹ Cobbett says that he prints this "From the original edition, printed by Joseph Hunscomb, by order of the House of Commons, and signed by H. Elsing, Cler. Parl. D. Com.". The order is printed in *C. J.*, II. 344. This remonstrance will also be found in *Parl. Hist.*, X. 60; Clarendon Hist. Society, *Reprints*, ser. I, p. 113; Nalson, *Collection*, II. 695.

¹¹⁰ Castell became rector of Courteenhall, Northamptonshire, in 1625 and died July 4, 1645. In addition to this petition he also published, in 1644, *A Short Discoverie of the Coasts of the Continent of America* (note 25, p. 62). (*Dict. Nat. Biog.*, IX. 272.) There is no reference to this petition in the *Journals* or in any of the printed parliamentary collections. It cannot be shown that it was ever presented.

And as is the piety, such is the charity of the worke, exceeding great, to no lesse then the immortall soules of innumerable men, who still sit in darkenesse, and in the shadow of death, continually assaulted and devoured by the dragon, whose greatest delight is to bring others with himsele into the same irrecoverable gulfe of perdition, what those blind and spirituall distressed Americans are, we were, and so had continued had not apostolicall men afforded greater charity unto us, *Divisis orbe Britannis*, by long journeying, and not without great hazard of their lives, then (as yet) hath beene shewed by us unto them.

Wee are not indeede indued with such eminent extraordinary gifts, as were the primitive Christians; but yet (if it be duly considered) how fully and how purely God hath imparted his Gospel unto this iland, how miraculously, hee hath lately protected us from Spanish invasions, and popish conspiracies; and how (at this time) wee abound in shipping, and all manner of provision for sea: it will bee found, that we (of all nations) are most for the worke, and most ingaged to doe it in due thankfulness to God.

Nor is the arme of the Lord shortned, or his wonted bounty so restrained, but that undertaking the voyage principally for Gods glory, and in compassion to mens soules, we may expect a more then an ordinary blessing from him, whose usuall custome is to honour those that honour him, and most abundantly even in this life, to recompence such religious undertakings.

The Spaniard boasteth much of what hee hath already done in this kind, but their owne authors report their unchristian behaviour, especially their monstrous cruelties to be such, as they caused the infidels to detest the name of Christ. Your wisdomes may judge of the lyon by his claw. In one of their ilands called Hispaniola of 200000 of men, as Benzo¹¹¹ (in his Italian historie) affirmeth, they had not left 150 soules. And Lipsius¹¹² justly complayneth, that wheresoever they came, they cut downe men as they did corne without any compassion. And as for those that survived, they bought their lives at deare rates: for they put them to beare their carriages from place to place, and if they fayled by the way, they either miserably dismembred, or killed them out-right. They lodged them like brute beasts under the planks of their ships, till their flesh rotted from their backs: and if any failed in the full performance of his daily taske, hee was sure to bee whipped till his body distilled with goar blood, and then poured they in either molten pitch or scalding oyle to supple him.

A very strange, and unlikely way to worke infidels unto the faith, neither yet could they (if they would) impart unto others the Gospel in the truth and purity thereof, who have it not themselves, but very corruptly, accompanied with many idle, absurd, idolatrous inventions of their owne, which are but as so many superstructures wickedly oppressing, if not utterly subverting the very foundations of Christianity.

¹¹¹ Girolamo Benzoni, who wrote a history of the new world (Venice, 1565), in which he described his travels in America, 1541-1556.

¹¹² Justus Lipsius, a Flemish scholar, professor of history in Jena, Leyden, and Louvain. He died in 1606.

And although some of the reformed religion, English, Scotch, French, and Dutch, have already taken up their habitations in those parts, yet hath their going thither (as yet) beene to small purpose, for the converting of those nations, either for that they have placed themselves but in the skirts of America, where there are but few natives (as those of new England), or else for want of able and conscionable ministers (as in Virginia) they themselves are become exceeding rude, more likely to turne heathen, then to turne others to the Christian faith.

Besides, there is a little or no hope our plantations there should be of any long continuance, since here in England for some yeares last past, they have beene rather diversly hindred, then any wayes furthered, how, and by whom, your wisdomes, either have or will shortly find out, but this is evident that the proud superstitious Spaniard (who hateth their religion, and feareth their neighbours), will spare them no longer then (to his over-swelling greatnesse) shall seem good: and in the judgement of most judicious travellers that way, they may (if they will) easily enough suppress and destroy all other our plantations, as they did of late, that of Saint Christophers,¹¹³ when they were no way provoked by us, as they will now pretend they are, by a latter taking of Trinidad,¹¹⁴ and the losse of more then 150. of their men there. At least they will bee sure to be desperately assaulted, as was the Ile of Providence,¹¹⁵ but the yeare last past.

Whence your petitioner offereth unto your honourable considerations a third argument (drawne from meere necessity) that as you tender the happy proceeding of those (as yet) but weakely settled plantations, the liberties, livelihood, and lives of many thousands our deare brethren, and countrey men: and which is yet more, the prosperous progress of the gospel, you would be pleased to consult of such an able and speedy supply, as may secure them against the now expected cruelty of the Spaniard.

To which needfull supply the better and sooner to induce your wisdomes, your petitioner desireth your yet a little further patience, untill hee hath shewed some temporall benefits that are thereby like to acrew unto this kingdome, together with the easinesse of effecting.

When a kingdom beginneth to be over-burthened with a multitude of people (as England and Scotland now do) to have a convenient place where to send forth colonies is no smal benefit: and such are the north-east and north-west parts of America, betweene the degrees of 25. and 45. of the north latitude, which, at this time doe even offer themselves unto us, to bee protected by us, against the knowne cruelty of the over-neare approaching Spaniard.

¹¹³ Taken by a Spanish fleet on Sept. 7, 1629.

¹¹⁴ In 1633 Juan de Eulate, governor of Margarita, destroyed an English settlement at Punta Galena, on the eastern side of Trinidad. Newton, *Colonising Activities of the English Puritans*, p. 189.

¹¹⁵ During the latter part of May, 1640, Maldonado failed in an attack on the island; but Pimienta was more successful a year later. A full report of the first attack and repulse was sent home by members of the council and ministers of the island, and is printed in Hist. MSS. Comm., *Seventeenth Rept. (Finch MSS.)*, I. 51-58; see also Newton, *op. cit.*, pp. 297-304.

A very large tract of ground containing spacious, healthfull, pleasant, and fruitfull countries, not only apt, but already provided of all things necessary for mans sustentation, corne, grasse, and wholesome cattell in good competencie; but fish, fowle, fruits and herbes in abundant variety.

If wee should looke no further, then the south of Virginia, (which is our owne) wee shall find there all manner of provision for life; besides merchantable commodities, silke, vines, cotton, tobacco, deer-skins, goat-skins, rich furre, and beavers good store, timber, brasse, iron, pitch, tarre, rosin: and almost all things necessary for shipping, which if they shall bee employed that way; they who are sent away may (with Gods blessing) within short time in due recompence of their setting forth, returne this kingdome store of silver and gold, pearles and precious stones; for undoubtedly (if there be not a generall mistake in all authors, who have written of these places) such treasure is to bee had, if not there, yet in places not farre remote, where (as yet) the Spaniard hath nothing to doe. And in case the Spaniard will bee troublesome to our plantations, or shall (as it is generally conceived) bee found an enemy to this kingdome, there is no way more likely to secure England, then by having a strong navie there; hereby wee may come to share, if not utterly to defeat him of that vaste Indian treasure, wherewith hee setteth on fire so great a part of the Christian world, corrupteth many counsellors of state, supporteth the papacie, and generally perplexeth all reformed churches.

Nor need any scrupulous quere bee made, whether wee may not assault an enemy in any place, or not esteeme them such as shall assault us in those places, where wee have as much to doe as they. The Spaniard claimeth indeed an interest, little lesse then hereditarie in almost all America, and the West Indies, but it is but by vertue of the popes grant,¹¹⁶ which is nothing worth, as was long since determined by Queene Elizabeth, and her Councell; so as for the Spaniard to debarre us in the liberty of our plantations, or freedome of commerce in those spacious countries, were over proudly to take upon him; and for us to permit it were over-much to yeeld of our own right.

Especially, when we may, as now we may, so easily helpe ourselves: for your petitioner conceiveth there is no great difficulty in the preparation here, or tediousnesse in the passage thither, or hazard when wee come there. The preparation of men and shipping, in respect of the daily happy expected accord betweene us and the Scots, is (upon the matter) already made; and as for money it is in the power of this honourable House to give sufficient, without any grievance, or dislike of the commonwealth, who (undoubtedly) in the generall will thinke nothing grievous, which shall bee concluded by your wisdomes, expedient to such a pious and charitable worke.

And as for the passage, how can it be thought either tedious or dangerous. it being ordinarily but six weekes sayle, in a sea much more secure from pirats, and much more free from shipwrack, and enemies

¹¹⁶ The bull of demarcation of Alexander VI.

coasts, then our ten or twelve moneths voyage into the East-Indies. And as for our good successe there, wee need not feare it. The natives being now every where more then ever, out of an inveterate hatred to the Spaniard, ready and glad to entertaine us. Our best friends the Netherlanders being with eight and twenty ships gone before to assist and further us. And which is much more, our going with a generall consent in Gods cause, for the promoting of the Gospel, and inlarging of his Church, may assure us of a more then ordinary protection and direction. That hitherto wee have beene lesse succesfull in our voyage that way, wee may justly impute it to this, that as yet they have not beene undertaken with such a generall consent, and with such a full reference to Gods glory as was requisite.

And so your petitioner having delivered his apprehension herein more briefly, then so weighty a matter might well require, hee submits all the premises to your more full deliberation and conclusion, which hee humbly prayeth, may bee with all convenient speed; the onely best way under God to make it the better succesfull. (*A Petition of W. C. Exhibited to the High Court of Parliament now assembled, for the Propagating of the Gospel in America, and the West Indies; and for the settling of our Plantations there; which Petition is approved by 70 able English Divines. Also by Master Alexander Henderson, and some other worthy Ministers of Scotland.*)¹¹⁷

1641/2.

Mar. 17, HC. Mr. Green, according to the order of yesterday, proceeded in his report of the book of rates: and thereupon it was, as followeth. . . .

This question was propounded, that all sugars, brought into this kingdom, by any merchant, denizen or alien, saving from the plantations of sugar or Portugal, shall pay double custom:¹¹⁸ and then it was put to

¹¹⁷ Printed in 1641; reprinted in Force's *Tracts*, I., no. 13; and in *Colonial Tracts*, I., no. 12. Annexed to the petition and signed by 70 ministers of London, of the diocese of Peterborough, and elsewhere, is the following: "Wee whose names are hereunder written, having beene upon occasion acquainted with a motion intended to bee made by Master William Castell, Parson of Courtenhall in the county of Northampton, to the High and honourable Court of Parliament now assembled, concerning the propagation of the glorious Gospel of Christ in America. As wee doe well approve of the motion; so we doe humbly desire his reasons may bee duly considered: And so good a worke furthered their wiser judgements may resolve upon, to which we humbly submit the same." The approval of Henderson and five other Scottish ministers reads as follows: "The motion made by Master William Castel Minister of the Gospel for propagating of the blessed Evangel of Christ our Lord and Saviour in America, wee conceive in the general to bee most pious, Christian and charitable. And therefore to bee seriously considered, of all that love the Glorious Name of Christ, and are zealous of the salvation of Soules, which are without Christ, and without God in the world, wishing the opportunity and fit season; the instruments and meanes, And all things necessary for the prosecution of so pious a worke, to be considered by the wisdom of Churches, in Civill Powers, whom God hath called, and enabled with Piety, prudence, and Peace, for matters of publike concernment, and of so great importance. And beseeching the Lord to blesse all their consultations, and proceedings, for the advancing and establishing the Kingdome of Jesus Christ."

¹¹⁸ Portugal and Spain controlled most of the sugar trade at this time. There were cane fields and mills in Haiti, Jamaica, Cuba, and other parts of Spanish America (Ellen D. Ellis, *An Introduction to the History of Sugar as a Commodity*, pp. 55-82). Sugar was exported from Barbados before 1647. Richard Ligon, *A True and Exact History of the Island of Barbados*, p. 85; N. D. Davis, *Cavaliers and Roundheads of Barbados*, pp. 69-70.

the question, whether this question should be now put: it went with the affirmative. And then the question was put: and the House was divided: and the yeas went forth.

Sir Ro. Pye, Sir Jo. Bampffield, tellers for the yea, 51.

Sir Wm. Carnaby, Mr. Cromwell, tellers for the noe, 51.

The voices being equal, Mr. Speaker¹¹⁹ delivered himself to be a noe. And thereupon, the question passed with the negative.

Resolved, upon the question, that there shall be no such clause, touching double customs and sugars, added to the book of rates, as was brought from the committee.

Resolved, upon the question, that the value set upon muscavodoe¹²⁰ sugars, in this book of rates, shall be four pounds the hundred weight; and, upon panels,¹²¹ and St. Thoma,¹²² forty shillings; and, upon white sugars, nine pounds six shilling eight-pence. . . .

Resolved, upon the question, that the value set upon Greenland oil shall be eight pounds per ton. . . .

Resolved, upon the question, that the rate set upon train oil¹²³ shall be six pounds per ton. (*C. J.*, II. 482.)

1642.

Apr. 4, HC. *1a vice lecta est billa*, An act for the regulating the excessive rates, under the name of customs, demanded for tobaccoes of the English plantations of the Summer-Islands, or other parts of the West-Indies, brought into this kingdom, before the twenty-fifth of May, 1641.¹²⁴

2da vice lecta est billa praedicta; and, upon question, committed unto the committee for the customers: and are to meet this afternoon, at two of clock, in the Treasury-chamber. (*C. J.*, II. 509-510.)

[*Apr. 22*], HL. To the Right honourable the Lordes nowe assembled in the high Court of Parliament.

The humble petition of Robert Robins of Penryn in the County of Cornwall gent.

Humbly sheweth

1. That the 20th of Aprill 1639 the petitioner was maliciously taken by the martiall of the iland of Providence, but for what cawse he knoweth not caryed to prison, kept in irons, suffered to speake with noe man, nor sende to his frindes.

2. That early the next morninge the petitioner was brought before Captain Carter,¹²⁵ whoe pretended himselfe governour of the iland but

¹¹⁹ William Lenthall.

¹²⁰ Raw or unrefined sugar.

¹²¹ Brown, unpurified sugar.

¹²² St. Thomé, a Portuguese island on the west coast of Africa, prominent as a sugar colony.

¹²³ Drawn from the blubber of the whale.

¹²⁴ A uniform duty of twopence a pound on all English colonial tobacco existed at this time, with heavier taxes imposed on foreign tobacco. See p. 114, note 55, *ante*; resolutions of Mar. 17; and Beer, *Origins*, p. 342. The *Journals* give no further reference to this bill.

¹²⁵ Captain Andrew Carter, who was appointed deputy-governor in 1639. Newton, *op. cit.*, p. 257.

was not, and presently with oute any notice given to the counsell of the land and unknowne to them and contrary to the lawe of the land, withoute any examination of the petitioner or credence produced against him a paper redde written was read unto him therein mentioninge a judgment of banishment against the petitioner given by Carter.

3. That when the petitioner perceaved their mischevous intent against him, he desired lawfull proceedings against him and that if he had donne any thing amisse, he might suffer what the lawe would impose on him. Whereunto Carter answered that the petitioner was not the kinges subject nor should be tryed by the lawe, but should forceably be carryed aborde Captain Willyam Jackson¹²⁶ shipp and soe conveyed to be hanged by Jackson the petitioner asked what was the cawse thereof and what should be donne with his goodes, Carter said he would dispose of them and the cawse of his banishment was his pleasure and then bownd him not suffering him to speak with any of his frindes . . .¹²⁷ to parents, but presently banisht him almost naked, and then Jackson tooke him into his custody, whoe was bownde to leeward in manawarres¹²⁸ affaires.

4. That when the counsell of the lande heard of the plott against the petitioner they repaired to Carter, and as the petitioner was informed (when he returned to Providence) that Mr Sherrard¹²⁹ mi[ni]ster of Godes word there, Mr Halhead,¹³⁰ Mr Lane¹³¹ and Captain Frances¹³² counsell of the land and Captain Woodcock¹³³ lieftenant generall there, would all be bowned boddy for boddy for the petitioner, that he should remaine upon the lande untill the honourable company had examined what he had donne, and what course should be taken with him.

5. That the petitioner was extreemely wronged by the shippes company dayly calling banisht rogue and other ill termes, he being a gentleman antiently discended.

6. That in the voiage he was almost naked, suffered exceedingly in fearefull stormes of thunder and fowle weather seldome the like seene.

7. That when the petitioner came to Nicoraga¹³⁴ River where he was bownd was comanded and forced to worke, stand centry, watch, and fight, he being a prisoner and the pillage that he gott was taken from him, alsoe he suffered miserable afflictions for want of clothes, by mus-

¹²⁶ See p. 110, note 46, *ante*.

¹²⁷ Manuscript defective.

¹²⁸ Man-of-war's.

¹²⁹ Hope Sherrard (sometimes spelled "Sherhard" and "Sherwood") was minister of New Westminster. In 1634 he got into difficulty with the government of the island and was imprisoned by Governor Bell. In 1640 he and Halhead were sent by Carter as prisoners to England. Newton, *op. cit.*, pp. 119, 163, 257, 298.

¹³⁰ Henry Halhead, a dependent of Lord Saye, who came to Providence from Banbury in 1632. *Ibid.*, pp. 129-130.

¹³¹ Richard Lane, who in 1633 commanded an expedition from Providence to Darien. In 1640 he was nominated as deputy-governor, but was seized by Carter and sent to England. *Ibid.*, pp. 137-140, 257-258.

¹³² Joseph Francis, councillor and captain of Brooke Fort. *Cal. St. P. Col.*, 1574-1660, pp. 226, 228, 319.

¹³³ William Woodcock, executive agent of the Providence Company. He was also interested in settlements on Henrietta Island and in Connecticut. Newton, *op. cit.*, pp. 127, 228-229.

¹³⁴ Nicaragua.

keetoës and other venomous vermyn and flyes, dayly in danger of his liefe.

8. That after Jackson tooke his prises the petitioner was compelled to be cook in one of them and did his labour besides daye and night.

9. That when they came to Providence he was forced to cooke it for the whole company and diverse others strangers and negroes, and extraordinary wronged by the shippes company some of them beating him greivously.

10. That when the goodes were shared, some of the company pittieing his cawse, procured him a singell share being halfe soemuch as the boyes had, yet they made him cooke and 4 shares belongeth to the cooke, by the order of Trinety howse,¹⁸⁵ yet he never had them, nor but a parte of the single share and Jackson deteyned the rest, and then was sett at liberty to shift for himselfe.

11. That when Jackson understood the petitioner would goe to England, tould him he should still remaine a prisoner.

12. That then the petitioner went to Carter and asked what he intended to doe with him Carter replied the petitioner should doe as he pleased either goe to England or remaine in the land a freeman as formerly he was, then the petitioner said he would goe to England whereupon Carter comanded the secretary to write him a tickett, which was donne accordingly and Carter signed it and gave it the petitioner.

13. That then the petitioner went aboute the land to gett his tobaco which was owed him being aboute 3000 *li.* yett he gott but a smale quantity 400 *li.* or thereabout most of his debtours saieing they would paie none, for that his goodes were confiscate by his banishment and noe lawe to be had there for any the land being daily up in armes.

14. That then the petitioner shipped himselfe a passenger for England with one Tompson¹⁸⁶ and deliverd him his tickett for his free departure oute of the iland, yet within 3 weekes of there being at sea, in the goolfe of Florida, Jackson and Tompson combined togeather and violently tooke and caryed the petitioner aboard Jacksons manawarr, kept all his goods, and much of his clothes, gave speciall directions to them of the shipp to keepe him in irons and convey him to Newe England to be hanged and his goodes to be spent upon the seamen.¹⁸⁷

15. That then the petitioner demanded his tickett being his release from imprisonment and a bill of lading for his goods, Jackson and Tompson said he was a prisoner and should have none of them nor any bill of lading for them.

¹⁸⁵ Trinity House was (and is) an ancient corporation having charge of light-houses and beacons, etc.; at this time it also had duties, relating to assessment, connected with the High Court of Admiralty.

¹⁸⁶ Maurice Thompson, a London merchant who helped to finance Jackson's voyage of 1642. Newton, *op cit.*, p. 315.

¹⁸⁷ Under date of Aug. 27, Winthrop writes: "Here came a small bark from the West Indies, one Capt. Jackson in her, with commission from the Westminster company to take prize, etc., from the Spaniard. He brought much wealth in money, plate, indico, and sugar. He sold his indico and sugar here for £1400, wherewith he furnished himself with commodities and departed again for the West Indies." *Hist. of N. E.* (ed. Savage), I. 369-370.

16. That Jackson shipp being a very smale rotten vessell¹³⁸ full of leakes and pooerly victualled, by reason whereof the petitioner suffered much misery and was forced to eate tallowe for the most parte of his meate, a longe tyme, which cawsed a dangerous sicknes when he came a shore being almost starved and naked.

17. That all the last winter he was kept prisoner in Ireland almost naked and noe meanes to helpe himselfe, extraordinary wronged by the shipp master the boyes and most of the shipp company, forced to worke at the seamens comand and lost 200 *li.* sterling by the masters meanes there.

18. That all his tobaco and goods are yet kept from him except one chest of indego, which he was forced to sell in his sickness at halfe price[?] for want in Ireland otherwise he had perished and the man that bought it paid him but 20 *li.* and is runeawaye with the rest.

19. That when the petitioner came to Bristoll in Jacksons ship, he was there turned ashore very sick and weake not likely to lyve withoute money or clothes to releve himselfe being in a strainge place, 150 miles from his frinds and all his goodes formerly kept from him [he being 12 monthes prisoner and lost 200 *li.* at least by it].¹³⁹

20. That there are diverse goods in Jacksons hands of a very greate valewe never yet shared.

That the petitioner hath attended here a whole yere last past for the hearing of this cawse before the honourable Company of Adventurers into Providence and can gett noe redres in respect of state affaires all of them being members of the parlament and alsoe they have not full power to determyn the same and nowe all his witnesses are bownd to sea and also these Jackson is bownde to the west Indes the first of Aprill next soe that the petitioner is likely to lose all his goods, suffer all his wrongs, and retorne to his frinds with begary (in respect he can gett releef in noe court in England but in this honourable court) and except your Lordships here his cawse.

May it therefore please your Lordships to refer the full hearing and determinenge of the cawse to any twoo of the Company for Providence (except the Lord of Warwick whoe the petitioner shall humbly desire to deliver his testimony herein) and alsoe give power unto them to call Jackson and the petitioners witnesses before them and to examine the witnesses upon their othes and then to give to the petitioner such damages as they shall thinck fitt for his goods and wronge impesonment and the petitioner shall daily praye etc. Ro: ROBINS. (MSS. H. of L.)¹⁴⁰

Apr. 22, HL. Ordered, that the Lord Pagett, the Lord Brooke, and the Lord Robartes, are hereby authorized to hear and examine the business of Robert Robins, and make report thereof to this House. (L. J., V. 10.)

¹³⁸ In September, 1639, Jackson was commanding the *Queen of Bohemia*. Josselyn, *An Account of Two Voyages to New-England*, reprinted in Mass. Hist. Soc., *Collections*, third ser., III. 230.

¹³⁹ The words within the brackets are interlined in another hand.

¹⁴⁰ Endorsed, "Robert Robbins". Calendared in Hist. MSS. Comm., *Fifth Rept.*, App., p. 18. The substance of the petition is given also in Newton, *op. cit.*, pp. 268-271.

June 16, HL. Ordered, that Robins is referred to take his course in law. (*Ibid.*, p. 139.)

Aug. 26, HC, HL. Whereas the Lords and Commons, now assembled in Parliament, are informed, that a ship called the *Clare* of London, is lately arrived in the port of Hampton (whereof Mr. Benedict Stafford is master) from the West Indies, laden with silver, and other commodities of value; which the said master hath brought thither, without consent of the owners of the silver, and other goods; whereof part or all is already landed, and carried to the house of Mr. Legay,¹⁴¹ merchant, owner of the same ship; it is this day ordered, by the Lords and Commons, that the committee and deputy lieutenants of the county of Southampton, shall forthwith, upon the receipt hereof, send two of their own company to Southampton; and there, with the assistance of Mr. Gallop and Mr. Exton, burgesses serving in Parliament for that town, shall call before them the said Mr. Legay, Benedict Stafford, and such others as shall be best able to inform them of the truth of the premises, and of the value of the bullion or coin, and the quantity and quality of other ladeings; and to take the bullion or coin into their own custody, to be brought up to London, with a sufficient guard, that so it may be kept to the use of the true owners, to be restored as soon as the Parliament shall be informed to whom the same doth belong; it appertaining to the honour and justice of this high court, to see that right be done; and that no subjects of any foreign state be wronged, by the miscarriage of any of his Majesty's subjects in this kingdom. Touching the other goods, it is ordered, that the committee shall certify their opinion, what is best to be done with the same goods, that a true account may be made of them to all parties which shall be justly interested therein: willing and requiring the mayors, and sheriff or sheriffs of the said town of Southampton, and the county of the said town, as likewise the sheriff of the county of Southampton, with the power of their several counties, and of the said town, and justices of peace, and deputy lieutenants of the said counties, and town, and all other his Majesty's loving subjects, to be aiding and assisting thereunto: and, for their so doing, this shall be their sufficient warrant.¹⁴² (*C. J.*, II. 739; *L. J.*, V. 328.)

¹⁴¹ Isaac le Gay, a London merchant.

¹⁴² The Lords agreed to this order the following day (*L. J.*, V. 327). On Dec. 20 Marios de la Rombida petitioned the Commons concerning the plate and cochineal taken from this vessel, and the matter was referred to the committee for advance of monies. At the same time it was ordered that the ginger and hides on board be brought to London (*C. J.*, II. 897). Dec. 22 the Commons decided to leave the question of ownership of the cargo to trial at law, and referred the sale of the cargo to the committee for advance of money (*ibid.*, p. 899). The order for the sale of the merchandise was revoked Dec. 29, and the owners of the vessel allowed to dispose of it upon the giving of proper security (*ibid.*, pp. 905, 906). This security was given, and on Jan. 2, 1642/3, the Commons ordered the goods to be delivered to the merchants and owners (*ibid.*, p. 911). The Lords concurred in this order Mar. 3 (*L. J.*, V. 632, 634). On Jan. 12 the Spanish ambassador, Alonzo de Cardenas, requested the Lords to have the former orders regarding the vessel set aside until the Court of Admiralty should decide the question of ownership. (*L. J.*, V. 548, 551-552, 558; *C. J.*, II. 928.) On Jan. 28 the Lords and Commons, in conference, referred the matter of the petition to the committee of the navy (*C. J.*, II. 947). On Oct. 12, 1643, a petition of Francis D'Allicant, master of the ship, and the Spanish merchants who came in her was referred to the same committee (*id.*, III. 274). On July 15 and 30, 1646, petitions were presented for

Oct. 21, HC. The humble petition of the planters and adventurers of Virginia was read: and ordered, that it be referred to the former committee for the planters in Virginia: ¹⁴³ and that a copy of that committee be brought into the House to-morrow morning; that an addition may be made unto it, if the House shall so think fit. (*C. J.*, II. 818.)

[Dec.], HL. To the right honourable the Lords assembled in the high Court of Parliament.

The humble petition of Symon Curnock ¹⁴⁴ in Chancery Lane.

In most humble manner sheweth that one Edward Dewell dyed in Virginia in November 1636.¹⁴⁵ And your petitioner at his earnest request lent and spent the greatest parte of his estate in releife of thextreame necessity of the sayd deceased. That your petitioner as executor to the deceased after five yeares suite in the prerogative and delegates courts hath obtayned two sentences to confirme the deceaseds will since which your petitioner having no meanes left to gett his right in the premises but to sue his adversary upon a bond entered in the prerogative court of Canterbury hath petitioned the Lord Archbishop of Canterbury ¹⁴⁶ his Grace to assigne over that bond to him according to the decree of court as by the petition acts and bond heereunto annexed appeareth. His Grace answereth your petitioner he is interdicted by this high court that he cannot doe the same.

Now forsomuch as your petitioner with his poore wife and children shalbe utterly undone if after so long suite and expence he cannot be releived he most humbly beseecheth this right honourable assembly to give leave and order to his Grace to assigne over the sayd bond according to equity and lawe in that behalfe.

And he shall ever pray for your eternall felicity. SIMON CURNOCK. (MSS. H. of L.)¹⁴⁷

1642/3.

Jan. 31, HC. The humble petition of divers inhabitants of New England, that are here intrusted for the affairs of that plantation, concerning

reprisals on the cargo for damage done by the Spaniards (pp. 180, 181, *post*). On Nov. 21 Cardenas petitioned for the return of the £50,000 borrowed of the merchants upon the contents of the vessel. This petition was referred to the committee on foreign affairs (*L. J.*, VIII. 573, 574, 588, 616). The proceedings in the matter extended over several years. For a description of the many papers in the case, see *Cal. St. P. Dom.*, 1641-1643, p. 435; 1644-1645, p. 224.

¹⁴³ The last petitions from Virginia, mentioned in the *Journals*, are under dates of Dec. 18, 1640, and Jan. 6, 1640/1 (see pp. 101, 103). No reference to the nature of this petition could be found.

¹⁴⁴ Usually "Cornock" in the *Va. Mag. Hist.*

¹⁴⁵ His will, printed in *Va. Mag. Hist.* (XIII. 204), is given as an instance of a servant owning real property.

¹⁴⁶ William Laud, who had been impeached of high treason in 1640, and was now in the Tower.

¹⁴⁷ Calendared in Hist. MSS. Comm., *Fifth Rept.*, App., p. 63. Annexed to the petition are: a copy of Curnock's petition to the Archbishop of Canterbury; copy of the sentence of the prerogative court, Jan. 27, 1640/1; copy of the sentence of the Court of Delegates, Dec. 2, 1642; copy of the bond entered into, June 24, 1637, in the prerogative court by Humfrey Dewell, brother of the deceased, against whom this action was taken. There are no references in the *Journals*.

a collection to be allowed them, on the two next Lord's Days, in London, and the parishes thereabouts, for transplanting of poor children driven out of Ireland;¹⁴⁸ and other poor fatherless children of this kingdom, that are out of employment; was this day read.

Resolved, that the inhabitants of the new plantation of New England shall, according to their charter, be custom-free for such commodities as are granted by their charter; and for so long time as is granted by the same charter.¹⁴⁹

Resolved, that the agents for the affairs of New England¹⁵⁰ shall have liberty to collect the free contribution of all well-affected people, in all the parishes of London, Westminster, the borough of Southwarke, and parishes adjacent, on the next two Lord's Days; for the transporting of divers poor children driven out of Ireland, and others: and it is referred to my Lord Mayor, so to appoint this collection, that it may not be on the same day as that for Ireland.¹⁵¹ (C. J., II. 949.)

Feb. 21, HC. Ordered, that Mr. Rigby¹⁵² do prepare an ordinance for the inhabitants, planters, and adventurers of New England, for exporting and importing of commodities into that plantation, custom free. (*Ibid.*, p. 974.)

Mar. 2, HC. Whereas the plantations in New England have, by the blessing of Almighty God, had good and prosperous success, without any publick charge to this state; and are now likely to prove very happy for the propagation of the Gospel in those parts, and very beneficial and commodious to this kingdom and nation: the Lords and Commons, now assembled in Parliament, do, for the better advancement of those plantations, and encouragement of the planters to proceed in their undertakings, ordain, that all merchandize and goods, that by any merchant, or any other person or persons whatsoever, shall be exported out of this

¹⁴⁸ The Irish Rebellion began in 1641. Full accounts will be found in Richard Bagwell, *Ireland under the Stuarts and during the Interregnum*, I. 312 to end, II. 1-52; W. E. H. Lecky, *History of Ireland in the Eighteenth Century*, I. 41 *et seq.*

¹⁴⁹ Freedom from custom or subsidy, either inward or outward, was granted by the charter of the Massachusetts Bay Company for the period of seven years, and freedom from all customs or subsidies in New England for the same time, and from all taxes and impositions for 21 years upon all goods imported into England or its dominions, except, after seven years, a five per cent. duty. See the charter printed in references given in note 42, p. 108, *ante*.

¹⁵⁰ On June 2, 1641, Hugh Peter, Thomas Weld, and William Hibbins were appointed to go to England, "upon some weighty occasions for the good of the country". (*Recs. of Gov. and Co. of Mass. Bay*, I. 332; Winthrop, *Hist. of N. E.*, ed. Savage, II. 30-31, 37-38.) Neither Peter nor Weld ever returned to America. At the trial of the former for regicide, after the Restoration, it was testified that he had been sent from New England to stir up the war. Palfrey, *Hist. of N. E.*, I. 583-584; *Mercurius Publicus*, no. 42, p. 662.

¹⁵¹ Writing in this year, Winthrop says: "One of our ships, the *Seabridge*, arrived with 20 children and some other passengers out of England, and 300 pounds of goods purchased with the country's stock, given by some friends in England the year before; and those children, with many more to come after, were sent by money given one fast day in London, and allowed by the parliament and city for that purpose." *Hist. of N. E.* (ed. Savage), II. 118.

¹⁵² Alexander Rigby, representing Wigan borough, who in 1643 purchased the Plough patent to the province of Ligonía, in the present state of Maine. (Charles E. Banks, in *Maine Historical and Genealogical Recorder*, 1885; *Doc. Hist. of State of Me.*, VII. 133-136.) See p. 142, note 159, *post*.

kingdom of England into New England, to be spent, used, or employed there, or being of the growth of that kingdom,¹⁵³ shall be from thence imported hither, or shall be laden or put on board in any ship or vessel for necessities, in passing and returning to-and-fro; and all and every the owner and owners thereof shall be freed and discharged of and from paying or yielding any custom, subsidy, taxation, imposition, or other duty, for the same, either inward or outward, either in this kingdom, or in New England, or in any port, haven, creek, or other place whatsoever, until both Houses of Parliament shall take further order therein to the contrary: and all and singular customers, farmers, and collectors of customs, subsidies, and imposts, and other officers, ministers, and subjects whatsoever, are hereby required and enjoined, that they and every of them, upon the shewing forth unto them of this ordinance, or a true copy thereof, under the hand of the clerk of the House of Lords, or the clerk of the House of Commons, without any other writ or warrant whatsoever, do make full, whole, intire, and due allowance, and clear discharge, unto the said owners of the said goods and merchandizes, their factors, servants, and agents, according to the tenor and true meaning of this ordinance.¹⁵⁴ (*Ibid.*, p. 987.)

Mar. 3, HC. Mr. Rigby carried up to the Lords the ordinance concerning New England: and brings answer, that the Lords will send answer by messengers of their own.

A message from the Lords, by Dr. Aylett and Dr. Heath;

The Lords have sent down this ordinance concerning New England, with some small amendments: and do agree unto it with these emendations.

Resolved, etc., that the answer to this message shall be, that the House will send answer by messengers of their own.

Answer returned by the same messengers; that this House has considered their Lordships message; and will send answer by messengers of their own. (*Ibid.*, p. 988; *L. J.*, V. 632, 636.)

Mar. 8, HC. Ordered, that Mr. Rigbie do bring in to this House an order concerning New England, according to the sense of the House. (*C. J.*, II. 994.)

Mar. 10, HC. Whereas the plantations in New England have, by the blessing of Almighty God, had good and prosperous success, without any publick charges to this state; and are now likely to prove very happy for the propagation of the Gospel in those parts, and very beneficial and commodious to this kingdom and nation: the Commons, now assembled in Parliament, do, for the better advancement of those plantations, and the encouragement of the planters to proceed in their undertaking, ordain, that all merchandizes and goods that by any merchant, or other person or persons whatsoever, shall be exported out of this kingdom of England into New England, to be spent, used, or employed there; or, being of

¹⁵³ Palfrey calls attention to this phrase, "as if acknowledging it to be an independent power" (*Hist. of N. E.*, I. 583 n.-584 n.). It is, of course, an inaccuracy for "those colonies".

¹⁵⁴ This ordinance was passed on Mar. 10 and is printed, as amended, under that date. The principal change in its final form is the omission of all references to the Lords.

the growth of that kingdom, shall be from thence imported hither; or shall be laden or put on board in any ship or vessel, for necessaries in passing and returning to and fro; and all and every the owner or owners thereof; shall be freed and discharged of and from paying and yielding any custom, subsidy, taxation, imposition, or other duty, for the same, either inward or outward, either in this kingdom or New England, or in any port, haven, creek, or other place whatsoever, until the House of Commons shall take further order therein to the contrary: and all and singular customers, farmers, and collectors of customs, subsidies, and imposts, and other officers, ministers, and subjects whatsoever, are hereby required and enjoined, that they, and every of them, upon the shewing forth unto them of this order, or a true copy thereof, under the hand of the clerk of the House of Commons, without any other writ or warrant whatsoever, do make full, whole, and intire, and due allowance, and clear discharge, unto the said owners of the said goods and merchandize, their factors, servants, and agents, according to the tenor and true meaning of this order.¹⁵⁵ (*Ibid.*, p. 998; Hazard, *Historical Collections*, I. 494; Hutchinson, *History of Massachusetts Bay*, I. 114; *Records of the Colony of the Massachusetts Bay in New England*, II. 34.)

1643.

Mar. 30, HC. Mr. Pym, Rigby, Rous, Bond, Trenchard, Asketh,¹⁵⁶ Hoyle,—Mr. Percivall, Mr. Young, Mr. Blackeston; added, 31 Martii.¹⁵⁷

This committee is appointed to consider of the petition of divers persons, inhabiting within the province of New Somersetshire,¹⁵⁸ in New England; and are to meet this afternoon, at two of clock, in the Court of Wards; and have power to send for parties, witnesses, papers, records; and are to meet hereafter at such time and place as they shall think fit. (*C. J.*, III. 24.)

Apr. 8, HC. Ordered, that the committee for New-England shall have power to receive the petition of Geo. Cleeve¹⁵⁹ gentleman, and others, this

¹⁵⁵ Beer points out that this ordinance implied parliamentary jurisdiction over the fiscal system of the New England colonies, since it exempted English goods from payment of the colonial duties (*Origins*, p. 345 n.).

¹⁵⁶ Ayscough.

¹⁵⁷ The names following the dash, Perceval, Young, and Blackston, were probably added the day after the original committee was named.

¹⁵⁸ The name given by Gorges to his province, which included a large part of the present state of Maine and the old limits of the Plough patent, or Ligonian. About this time George Cleeve made an effort to resuscitate the Plough patent which, in the words of Winthrop, had "vanished away". See next note.

¹⁵⁹ George Cleeve first came to America in 1630, settling in the vicinity of Richmond's Island. In 1632 he and his partner settled on the present site of Portland. Later he procured from Gorges title to a large tract of land in that neighborhood. In June, 1637, he brought to New England a patent under the privy seal authorizing him to discover "Lake Erocoise". Soon after he became interested in the old Plough patent (so called from the name of the ship in which the holders came to New England), which embraced about forty square miles along the coast of Maine, between Cape Porpoise and the Kennebec River. Following the collapse of that colony, this patent was for a long time forgotten, and the land included in the grant of 1639 to Gorges. Cleeve returned to England, and in April, 1643, induced Sir Alexander Rigby, a member of Parliament, to purchase this abandoned patent. Cleeve came to America as Rigby's agent and disputed the authority over this grant with Richard Vines, the deputy of Gorges. The disputed

day exhibited.¹⁶⁰ (*Ibid.*, p. 34.)

Apr. 11, H.C. Ordered, that the humble petition of Tho. Meadows, and others, merchants of Yermouth, trading to Greenland, for the whale fishing, be referred to the consideration of the committee for the navy.¹⁶¹ (*Ibid.*, p. 39.)

Apr. 28, H.C. Ordered, that a copy of the articles exhibited by Mr. George Cleeve gentleman, against Rich. Vines, and Edw. Godfrey, gentlemen,¹⁶² shall, under the hand of the clerk of this House, be sent unto Jo. Wenthorp esquire,¹⁶³ Captain Edw. Gibbins,¹⁶⁴ Hen. Bode,¹⁶⁵ Tho.

title was referred to a parliamentary committee with the Earl of Warwick at its head, which in 1646 sustained the Rigby title. Cleeve died in the latter part of 1666. James P. Baxter, *George Cleeve of Casco Bay* (Gorges Society, *Publications*, vol. II.); Charles E. Banks, in *Me. Hist. and Gen. Recorder*, II. 65-77, 145-162; Mass. Hist. Soc., *Collections*, fourth ser., VII. 89 n.-91 n., 363-376; C. F. Adams, *Three Episodes of Mass. Hist.*, I. 314-315.

¹⁶⁰ Cleeve, two years later, was charged with having forged to this petition the names of nine neighboring planters, *viz.*, Henry Watts, John Wilkinson, Andrew Alger, Arthur Mackworth, William Hammond, John West, Robert Wadleigh, Peter Weare, and Francis Robinson. When accused, he replied that Parliament had bade him do it. Baxter explains the matter by the theory that Parliament asked him to write upon the petition the names of such persons as he thought would substantiate the charges (*op. cit.*, pp. 120-123). Banks, in *Me. Hist. and Gen. Recorder*, II. 153-154, is not so charitable.

¹⁶¹ For the proceedings of the committee for the navy on this petition see *Cal. St. P. Dom.*, 1641-1643, pp. 457-458. The committee met from Apr. 21 to Apr. 27 and, after hearing witnesses and considering argument of counsel, decided that Meadows and other merchants of Yarmouth might proceed with their four ships, the *Carnation*, *Hopewell*, *Thomas and William*, and *Swallow*, in their voyage for Greenland for whale fishing; that in case they would commit any act against the rights of the Greenland Company they would be answerable at law; and the merchants offered to give bond for this purpose, before sailing.

¹⁶² Cleeve's charges against the agents of Gorges were founded upon irregularities in government, and were made for the purpose of weakening their resistance, which he knew would be offered to him in his efforts to gain control of the Rigby purchase (Baxter, *op. cit.*, pp. 119-123). Vines was one of the original grantees of the Biddeford patent, one of the councillors of New Somersershire, and deputy-governor of the province of Maine in the absence of Gorges. During the controversy with Cleeve, he sold his patent and left the country. See his references to this affair in his letters to Governor Winthrop in Mass. Hist. Soc., *Collections*, fourth ser., VII. 337-354. In this same volume (pp. 335, 377-380) are letters of Godfrey who came to Maine as agent of Gorges and Mason about 1630. He was councillor of New Somersetshire and the first mayor of Gorgeana, incorporated Mar. 1, 1641/2. He was made governor of that portion of the province of Maine which was left after Cleeve succeeded in having the Rigby purchase recognized.

¹⁶³ See Cleeve's letters to Governor Winthrop and others, in Massachusetts Hist. Soc., *Collections*, fourth ser., VII. 363-376, and in Baxter, *op. cit.*, pp. 238, 243, 254, 265. Winthrop himself has little to say of this phase of the controversy; his accounts under date of Mar. 23, 1643, and Mar. 26, 1646, show rather the efforts made by both sides to win the support of the governor and council of Massachusetts. Winthrop, *Hist. of N. E.* (ed. Savage), II. 186-187, 313-315.

¹⁶⁴ Gibbons had been a member of Morton's roistering crew at Merry Mount. He became a prominent merchant of Boston, having extensive dealings with Virginia and the West Indies. Calvert offered him a commission and some land to settle in Maryland. He was later made major-general of the Massachusetts militia (C. F. Adams, *Three Episodes*, I. 354-360). Cleeve addressed him as "my loving friend". Mass. Hist. Soc., *Collections*, *loc. cit.*

¹⁶⁵ Henry Boad came to Wells from Saco in 1641. In 1653 he was appointed one of the commissioners and selectmen of the former place. Mass. Hist. Soc., *Collections*, fifth ser., I. 358.

Moreton,¹⁶⁶ and Arth. Mackworth,¹⁶⁷ gentlemen; and that they, or any two of them, shall call before them the said Vines and Godfrey; and shall take their answers thereunto; together with the examinations of such witnesses, as shall be produced before them, for proof of those articles; and thereof shall make certificate, in writing, unto this House; that such proceedings may be thereupon had, as shall be meet.¹⁶⁸ (*Ibid.*, p. 63.)

May 10, HC. Resolved, that the business of the Greenland trade and fishing, being in difference between the Greenland Company, and others of Yermouth, be referred to the committee for the navy;¹⁶⁹ to take such security of those of Yermouth, as may content both parties, that the proceedings of those of Yermouth, in their fishing upon those coasts, may not prejudice the right of the Greenland Company, invested in them by patent, and confirmed by act of Parliament.¹⁷⁰ (*Ibid.*, p. 78.)

May 16, HC. The House (according to the order of yesterday)¹⁷¹ fell into consideration of the report made from the committee appointed to consider of raising of monies by laying a charge upon commodities: and, after some debate, it was resolved, upon the question, that there shall be a charge set, of four shillings the pound, of all tobacco which is not of English plantation, over and above all customs due for the same, which charge is to be paid, for the use of the commonwealth, by the first buyer from the merchant or importer.

Resolved, etc., that there shall be a charge set, of two shillings the pound, of all tobacco of the English plantation, over and above all customs due for the same; which charge shall be paid, for the use of the commonwealth, by the first buyer from the merchant or importer. . . .¹⁷² (*Ibid.*, p. 88.)

¹⁶⁶ Thomas Morton, the "pettifogger of Lincoln's Inn", first came to New England in 1622. He called his plantation (at Quincy) Merry Mount, where he set up a maypole and led a gay life with his companions. He was seized and sent home in June, 1628, for causes given by Governor Bradford (*History of Plymouth Plantation*, ed. Ford, II. 54). He soon returned and persisting in his practices, was in 1630 again sent off (*ibid.*, pp. 76-77). He came back to New England in 1643, was imprisoned, and died in poverty at York, Me., in 1646. In 1637 he published his *New English Canaan*. See the introduction by C. F. Adams to his edition of this book (Prince Society, *Publications*, XIV.), and the same author's *Three Episodes*, I. 162-208, 240-250, 343-350, for full accounts of Morton's career.

¹⁶⁷ Arthur Mackworth came to New England with Vines in 1630. He settled on the Presumpscot River, and held many official positions up to his death in 1657. See J. P. Baxter, *The Trelawny Papers* (*Doc. Hist. of State of Me.*, vol. III.), 213 n. References to Mackworth in connection with this controversy will be found in *Mass. Hist. Soc., Collections*, fourth ser., VII. 353, 371.

¹⁶⁸ Consult the references given in note 159, above, for accounts of the subsequent stages of this dispute.

¹⁶⁹ Following many years of disputes with independent traders, the company in 1645 obtained from the navy committee another order confirming its monopoly. Scott, *Joint-Stock Companies*, II. 72. See also note 161, above.

¹⁷⁰ The Greenland Company claimed the rights and privileges of the original Muscovy Company, incorporated in 1555. Its charter is printed in Hakluyt, *Voyages*, II. 304-316. The act, 8 Eliz., confirming the privileges of the charter, is likewise printed in Hakluyt, III. 83-91.

¹⁷¹ *C. J.*, III. 86.

¹⁷² It was necessary for Parliament to raise money in order to carry on war against the Royalist party. For an account of the finances under the Long Parliament, see William O. Scroggs, in *Quarterly Journal of Economics*, XXI. 463-487; see also Beer, *Origins*, pp. 343-344.

May 27, HC. Resolved, upon the question,

1. That there shall be a charge of a halfpenny the pound set upon all St. Thome and pannelles sugar imported, over and above all customs due for the same;¹⁷³ to be paid by the first buyer thereof from the merchant.

Resolved, upon the question,

2. That there shall be a charge of one penny the pound set upon all muscavado sugar imported, over and above all customs due for the same; to be paid by the first buyer thereof from the merchant.

Resolved, etc.

3. That there shall be a charge of two-pence the pound set upon all white sugar imported, over and above all customs due for the same; to be paid by the first buyer thereof from the merchants.

Resolved, etc.

4. That there shall be a charge of four-pence the pound set upon double or single-refined loaf-sugar imported, over and above all customs due for the same; to be paid by the first buyer thereof from the merchants. . . .

(*Ibid.*, p. 107.)

Aug. 16, HC. Ordered, that this House doth declare, that they do not intend, by the general order of restraint of persons going beyond sea,¹⁷⁴ to restrain any ships, persons, or goods, going to New-England, or to any other of the English plantations: and that the *Sarah*, bound for New-England, and all such other persons, ships, and goods, bound as aforesaid, be permitted to pass accordingly. (*Ibid.*, p. 207.)

Oct. 20, HC. The humble petition of divers merchants trading to the island of Barbados, and of divers inhabitants there; was this day read:¹⁷⁵ and it is ordered, that it be referred to a committee; and that Mr. Philip Bell,¹⁷⁶ now governor there, be continued governor there, till the House take further order.

Sir Gilb. Gerard, Mr. Maynard, Mr. Wheeler, Mr. Trenchard, Mr. Vassall, Mr. Holland, Mr. Rolle, Mr. Reynolds, Sir Tho. Soame, Mr. Spurstowe, Mr. Ellis, Mr. Lisle, Mr. Prideaux, Mr. Bond;

The consideration of all the plantations is referred to this committee: and they have power to think of a governor general for all these planta-

¹⁷³ See entry of Mar. 17, 1641/2, *ante*, for the customs established then on sugars. On May 24, the first vote on sugar, from the committee for raising moneys by laying a tax upon commodities, was recommitted (*C. J.*, III. 100). These excise duties on tobacco, sugar, furs, and other commodities were incorporated in an ordinance which passed both Houses on July 22 (*C. J.*, III. 178; *L. J.*, VI. 145). The ordinance is printed in Husband, *Collection of all the Publicke Orders, Ordinances, and Declarations, 1642-1646*, pp. 267-275, and in Firth and Rait, *Acts and Ordinances of the Interregnum*, I. 202-214.

¹⁷⁴ For orders of this nature see *C. J.*, III. 199, 207.

¹⁷⁵ Something of the nature of this petition is given in the entry following, from Add. MSS. Cf. Channing, *History of the United States*, I. 487.

¹⁷⁶ A member of the Somers Island Company, and governor of the islands 1626-1629. In February, 1631, he was appointed governor of Providence Island, occupying this position until 1636. In November, 1640, he was given permission to transport 140 passengers and supplies to St. Lucia (*Acts P. C. Col.*, I. 290). This plantation does not appear to have been a success, and in 1641 Bell and his followers moved to Barbados, where he was made deputy-governor the following year, superseding Sir Henry Hunks. When the island was seized in 1649 by the Royalist fleet, Bell fled to St. Christopher. Newton, *op. cit.*, pp. 30, 54, 93, 218-219; Bryan Edwards, *History of the West Indies* (1819), I. 325.

tions, and to present him to the House: ¹⁷⁷ and are to meet this afternoon at three of clock in the Star-Chamber: and have power to send for parties, witnesses, papers, records etc. (*Ibid.*, p. 283.)

Oct. 20, HC. There are 15000 men in the Barbados. The kinge intends to send a governor. The Lorde Baltymore is governor of Virginia.¹⁷⁸ A petition of the merchantes adventurers of the Barbados. They have much tobacco and cotton ¹⁷⁹ and imployed much shippinge. The ile is of fortifications and the governors under the Lorde of Carlile¹⁸⁰ hath taken taxes of them viz. 40 l. of tobbaeco per poll.¹⁸¹ Mr. Skypwith is appointed by the kinge to be governor by which meanes they may joyne to the popishe partie next. Phill: Bell a captayne is desired by the merchantes to contynewe a governor. The pattenttees have a power to appointe governors. This ilande hath beyn under the Lorde Carlile which hath hindered the plantation. moved that the plantacions may have power to choose there own governors. moved that a committee be named to peruse the charters. Ordered, that Mr. Bell be establyshed untill forther order and the Lordes to joyne and referred to Mr. Trencharde, Sir Gilbert Gerrarde, Mr. Hollande, Mr. Vassall, Mr. Rolles, Mr. Reynolds, etc. and the Sommer Ilands and all plantations. And to consider of a governor generall of all the ilands. to meete in the Star-chamber this afternoone. (Add. MSS. 18778, f. 73.)¹⁸²

Oct. 31,¹⁸³ HC. An ordinance for constituting governors, and settling the government, of the islands upon the coasts of America, was this day read; and, by vote upon the question, assented unto; and ordered to be sent unto the Lords, for their concurrence.¹⁸⁴

Mr. Bond is appointed to carry it up. (*C. J.*, III. 296.)

Oct. 31, HC. An ordinance for setlinge of the Southerne Ilandes there beinge lately procured from the kinge severall grantes for governors as appereth by the petition of many adventurers therefore they did appointe the Lorde Warwick governor in cheife of all the ilandes in America. Edw. E. Manchester, Lorde Pembrok, Lorde Say, Lorde Wharton, Lo[rd] Robt [Roberts], Mr. P[ym], Mr. Cromwell, Mr. Spurstowe, Sir H. Vane junior, Mr. Holles [Holland], Bonde, Spurstowe, Sir

¹⁷⁷ Robert Rich, second earl of Warwick, was later appointed. See below, note 188.

¹⁷⁸ Berkeley was, of course, governor of Virginia.

¹⁷⁹ The words omitted from this report are illegible in the original.

¹⁸⁰ In 1627 St. Christopher, Barbados, and other islands in the West Indies were granted to the Earl of Carlisle. As proprietor he appointed the governors, who were directly dependent upon him. N. D. Davis, *Cavaliers and Roundheads of Babados*, pp. 44, 54 *et seq.*

¹⁸¹ In 1635 Governor Hawley levied a poll tax, on all over seven years of age, of 40 pounds of cotton—20 pounds for the proprietor and the other half for the governor, who said he would apply his share to the fortification of the island. Cotton or tobacco was seized for nonpayment of taxes. Davis, *op. cit.*, pp. 58-59.

¹⁸² "Journals of proceedings in the House of Commons, 19 Sept. 1642 to 10 Dec. 1645, kept by Walter Yonge, of Colyton, co. Devon, Barrister at Law, and member for Honiton in the Long Parliament. Partly in cipher, a key to which is prefixed to three of the volumes; with an index of contents." *Cat. Add. MSS.*, 1848-1853, p. 149.

¹⁸³ Erroneously printed Oct. 13 in the *Journals*.

¹⁸⁴ This ordinance is printed below, p. 147.

Gilbert Gerrard, Mr. Rolles, Sir Ben: Rudyer,¹⁸⁵ commissioners to joyne for the ordering and plantinge of religion in those ilandes and the commissioners may call together some of the planters and call for bookes and recordes concerninge those ilandes and may appointe governors of the said ilandes and to place¹⁸⁶ such as hath become voyde and officers. And no subordinate governor or planter hath againste [?] any other governor then hath been appointed by the admirall or commissioners. And the commissioners may assign over authority to such as they think fitte for the better ordering of the saide government. Voted. (Add. MSS. 18778, f. 78.)

Nov. 2, HL. A message was brought from the House of Commons, by Sir John Clattworthy and others: 3. To desire concurrence in an order concerning the plantations. (Here enter it)¹⁸⁷

Agreed.

The answer returned was:

That their Lordships agree to the letter and ordinance now brought up.

Whereas many thousands of the natives and good subjects of this kingdom of England, through the oppression of the prelates and other ill-affected ministers and officers of state, have of late years, to their great grief and miserable hardship, been inforced to transplant themselves and their families into several islands, and other remote and desolate parts of the West Indies, and having there, through exceeding great labour and industry (with the blessing of God), obtained for themselves and their families some competent and convenient means of maintenance and subsistence, so that they are now in a reasonable well-settled and peaceable condition; but fearing lest the outrageous malice of papists and other ill-affected persons should reach unto them in their poor and low (but as yet peaceable) condition, and having been informed that there hath been lately procured from his Majesty several grants under the great seal, for erecting some new governors and commanders amongst the said planters, in their aforementioned plantations; whereupon the said planters, adventurers, and owners of land, in the said foreign plantations, have preferred their petition unto this present Parliament, that, for the better securing of them, and their present estates there, obtained through so much extreme labour and difficulty, they might have some such governors and government as should be approved of and confirmed by the authority of both Houses of Parliament; which petition of theirs the Lords and Commons having taken into consideration, and finding it of great importance both to the safety and preservation of the aforesaid natives and subjects of this kingdom, as well from all foreign invasions and oppressions as from their own intestine distractions and disturbances, as also much tending to the honour and advantage of his Majesty's dominions, have thought fit, and do hereby constitute and ordain, Robert

¹⁸⁵ For the full and correct list of the commissioners appointed see the ordinance printed below.

¹⁸⁶ Replace.

¹⁸⁷ The custom in the *Journals* at this period is to print all ordinances, petitions, etc., at the end of the day's proceedings.

Earl of Warwicke,¹⁸⁸ governor in chief and lord high admiral of all those islands, and other plantations inhabited, planted, or belonging to any his Majesty's the King of England's subjects, or which hereafter may be inhabited, planted, or belonging to them, within the bounds and upon the coasts of America: and, for the more effectual, speedier, and easier transaction of this so weighty and important a business, which concerns the well-being and preservation of so many of the distressed natives of this and other his Majesty's dominions, the Lords and Commons have thought fit, that Phillip Earl of Pembroke, Edward Earl of Manchester, William Viscount Say and Seale, Phillip Lord Wharton, John Lord Roberts, members of the House of Peers, Sir Gilbert Gerrard knight and baronet, Sir Arthur Heselrigg baronet, Sir Henry Vane junior, knight, Sir Benjamine Rudyer knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbett, Cornelius Holland, Samuel Vassall, John Rolls, and William Spurstowe, esquires, members of the House of Commons, shall be commissioners, to join in aid and assistance with the said Earl of Warwicke, chief governor and admiral of the said plantations; which chief governor, together with the said commissioners or any four of them, shall hereby have power and authority to provide for, order, and dispose, all things which they shall from time to time find most fit and advantageous to the well-governing, securing, strengthening, and preserving of the said plantations, and chiefly to the preservation and advancement of the true Protestant religion amongst the said planters and inhabitants, and the further enlargement and spreading of the Gospel of Christ amongst those that yet remaineth there in great and miserable blindness and ignorance: And, for the better advancement of this so great a work, it is hereby further ordained, by the said Lords and Commons, that the aforesaid governor and commissioners shall hereby have power and authority, upon all weighty and important occasions which may concern the good and safety of the aforesaid planters, to call unto their advice and assistance therein any other of the aforesaid planters, owners of land, or inhabitants of the said islands and plantations, which shall then be within twenty miles of the place where the said commissioners shall then be; and shall have power and authority to send for, view, and make use of, all such records, books, and papers, which do or may concern any of the said plantations: And because the well-settling and establishing of such officers and governors, as shall be laborious and faithful in the right governing of all such persons as be resident in or upon the said plantations, and due ordering and disposing all such affairs as concern the safety and welfare of the same, is of very great advantage to the public good of all such remote and new plantations, it is hereby further ordained and decreed, that the said Robert Earl of Warwicke, governor in chief and admiral of the said plantations, together with the aforesaid commissioners, Phillip Earl of Pembroke, Edward Earl of Manchester, William

¹⁸⁸ Sir Robert Rich, second earl of Warwick, who had largely occupied himself with American colonial ventures. For full accounts of these activities, see Brown, *Genesis*, II. 980; *Dict. Nat. Biog.*, XLVIII. 128. On Dec. 6 he was made Lord High Admiral of England, Ireland, and Wales, and the dominions and isles of the same. (*C. J.*, III. 331; *L. J.*, VI. 329, 330.) This was confirmed May 29, 1648. *C. J.*, V. 577; *L. J.*, X. 290, 291.

Viscount Say and Seale, Phillip Lord Wharton, John Lord Roberts, Sir Gilbert Gerrard knight and baronet, Sir Arthur Haslerig baronet, Sir Henry Vane junior, knight, Sir Benjamine Rudyer knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbett, Cornelius Holland, Samuëll Vassall, John Rolls, and William Spurstowe, esquires, or the greater number of them, shall have power and authority, from time to time, to nominate, appoint, and constitute, all such subordinate governors, counsellors, commanders, officers, and agents, as they shall judge to be best affected, and most fit and serviceable for the said islands and plantations; and shall hereby have power and authority, upon the death or other avoidance of the aforesaid chief governor and admiral, or any the other commissioners before named, from time to time to nominate and appoint such other chief governors and admiral, or commissioners, in the place and room of such as shall so become void; and shall also hereby have power and authority to remove any of the said subordinate governors, counsellors, commanders, officers, or agents, which are or shall be appointed to govern, counsel, or negotiate, the public affairs of the said plantation, and in their place and room to appoint such other officers as they shall judge fit: And it is hereby ordained, that no subordinate governors, counsellors, commanders, officers, agents, planters, or inhabitants whatsoever, that are now resident in or upon the said islands or plantations, shall admit or receive any other new governors, counsellors, commanders, officers, or agents whatsoever, but such as shall be allowed and approved of under the hands and seals of the aforesaid chief governor and high admiral of the said plantation, together with the hands and seals of the aforementioned commissioners or any six of them, or under the hands and seals of such as they shall authorize thereunto: And whereas, for the better government and security of the said plantations and islands, and the owners and inhabitants thereof, there may be just and fit occasion to assign over some part of the power and authority (granted in this ordinance to the chief governor and commissioners aforesaid) unto the said owners, inhabitants, and others, it is hereby ordained, that the said chief governor and commissioners before mentioned, or the greater number of them, shall hereby be authorized to assign, ratify, and confirm, so much of their aforementioned authority and power, and in such manner, and to such persons, as they shall judge to be fit for the better governing and preserving the said plantations and islands from open violence and private disturbance and distractions.

And lastly, that whosoever shall do, execute, or yield obedience, to any thing contained in this ordinance, shall, by virtue hereof, be saved harmless and indemnified. (*L. J.*, VI. 291-292.)¹⁸⁹

Nov. 2, HC. Sir Jo. Clotworthy carried up to the Lords, likewise, the ordinance for regulating the plantations of the islands in America

Brings answer, that the Lords do agree to the ordinance for regulating the plantations (*C. J.*, III. 299.)

¹⁸⁹ Printed also in Firth and Rait, *op. cit.*, I. 331.

Nov. 28, HL. A message was brought from the House of Commons,¹⁹⁰ by Mr. Trenchard:

1. To desire concurrence in four ordinances:

4. Additional articles to the ordinance of the assize. (Here enter it.)

Agreed to

Additional articles of the Lords and Commons in Parliament, to the ordinance of excise.

The Lords and Commons assembled in Parliament, finding it necessary to advance the duty of excise, and to remove such obstructions as may hinder the same, do ordain and declare, and be it ordained and declared by the said Lords and Commons in Parliament

That no unknown person, or others living beyond the seas, planters in the West Indies, and Virginia, or others who have no certain habitation in the town or port where any entry of goods inward shall be made, be permitted to take up their goods, or to receive any warrant from the commissioners of tonnage and poundage, or their deputy officers, till the duty of excise be first paid, or sufficient security given by bond to the commissioners of excise for the payment thereof at the time when such goods or merchandizes shall be first sold (*L. J.*, VI. 315, 316.)¹⁹¹

Dec. 20, HC. An ordinance for moderating the rate and excise set upon tobaccos of English plantation, by the ordinance of the 11th of September 1643,¹⁹² was this day read the first and second time; and, upon the question, assented unto; and ordered to be sent unto the Lords for their concurrence.

Forasmuch as the Lords and Commons, assembled in Parliament, have taken notice, that the rate of four-pence, lately imposed, by ordinance of the eleventh of September last, upon every pound of tobaccos of the English plantations, by way of excise, hath something intermitted trade in that commodity; be it therefore ordained, by the said Lords and Commons, in Parliament assembled, and by authority of the same, for the encouragement and ease, as well of the importer, as engrosser and seller of such tobaccos, that all tobaccos, of the English plantations, imported, and remaining on the hands of the merchant or importer, or the engrosser or seller, thereof, before the eleventh of September last past, shall pay only one penny upon every pound. And all such tobaccos imported since the eleventh of September last, and remaining on the hands either of the merchant importer, engrosser, or seller thereof, at the day of the date of this ordinance, shall be liable to, and pay two-pence upon every pound. And for all such tobacco, of the English plantations, as shall hereafter, from the day of the date hereof, be imported into the kingdom of England, dominion of Wales, and port and town of Barwick, shall pay after the rate of four-pence upon every pound, according to the former ordinance, dated the eleventh of September last; the respective sums of one penny, two-pence, and four-pence, upon every pound, to be paid by the engrosser or seller, upon sale thereof, as is therein prescribed. Provided always,

¹⁹⁰ *C. J.*, III. 321, 322, 323, 350.

¹⁹¹ This ordinance is printed also in Husband's *Collection*, p. 389.

¹⁹² Printed in Husband, *op. cit.*, pp. 313-319.

that no person shall have any benefit of the aforesaid moderation to one penny, and two-pence, upon every pound of tobacco respectively before-mentioned, but such only as shall, within fourteen days after the publication of this ordinance, make his personal appearance at such office of excise, under which his dwelling-place shall be; and there deliver in, upon oath, a true and just particular of all tobaccos by him sold since the eleventh of September last, unto the time he shall make his appearance; as also, at the same time, declare upon oath, and deliver in a like true particular of all tobaccos, either remaining upon his hands at that time, of such tobaccos as were upon his hands before the eleventh of September, as of such tobaccos as have been by him imported, or bought, and are remaining upon his hands at the time of his appearance; and shall presently, according to the respective rates of one penny, and two-pence, pay and clear the duty of excise, as well for all tobaccos by him sold since the eleventh of September last, as for all tobaccos by him imported, and remaining at that time upon his hands, as aforesaid: but be proceeded against without favour or pardon, according to the former ordinance of the eleventh of September last. Provided also, that no abatement or allowance shall be made, under pretence of this ordinance, for any tobaccos, which have already paid excise, according to the said ordinance of the eleventh of September last, before the date hereof.¹⁹³ (*C. J.*, III. 346, 348.)¹⁹⁴

Dec. 20, HC. Ordered, that it be referred to the committee for the navy, to consider of the excessive rates upon the custom and excise upon Spanish tobaccos; and, upon conference with the commissioners of the customs and others, to consider of some expedient for the ease and encouragement of the trade in that commodity, in relation to the customs and excise: and to report it to the House.

Sir H. Vane senior, Mr. Recorder,¹⁹⁵ Mr. Prideaux, Mr. Reynolds, Sir Arth. Heselrig, are appointed managers of this conference. (*Ibid.*, p. 346.)

1643/4.

Jan. 3, HC. Ordered, that the humble petition of divers planters, and agents of foreign plantations, be referred to the consideration of the Lord Admiral, and the rest named in the ordinance for regulating the plantations, to certify their opinions to this House, what they think fit to be done upon this petition. (*Ibid.*, p. 357.)

Jan. 3, HC. A petition in the behalfe of forraine plantacions. Wheras the care thereof is committed to the Erle of Warwick etc. in opposition

¹⁹³ "There was late news from Virginia that the Plantation there denied contribution to the Emissaries of the Parliament, complaining of the obstruction of their trade at London, whereupon an Ordinance of Moderation came forth (for abating the Excise upon Virginia Tobacco, that the Protestants their brethern in other Countries may not suffer among Malignants and Delinquents in England) endeavouring to gain upon Foreign Plantations, which in truth were first settled, mostly by such as could not indure Discipline at home." Sanderson, *A Compleat History of the Life and Raigne of King Charles*, p. 659, under the general date of 1643.

¹⁹⁴ The ordinance is also in *L. J.*, VI. 352-353; and in Firth and Rait, *op. cit.*, I. 346. It was agreed to by the Lords, Dec. 23, *L. J.*, VI. 351.

¹⁹⁵ John Glynné, M. P., Westminster.

of which some have moved the kinge to send shippes etc. for there overthrowe desire that the lorde Admirall may send shippes for the preservation of those plantacions and upholdinge of commerce. Referred to the lorde Admirall. (Add. MSS. 18779, f. 41.)

Jan. 24, HC. Ordered, that the petition of many citizens, as well merchants as others, inhabiting in the city of London, and trading in the commodity of tobacco, be referred to the committee of this House for excise; who are to report their opinions upon the whole matter unto this House: and have power to receive such propositions as the petitioners offer unto them, concerning the particulars mentioned in their petition. (*C. J.*, III. 376-377.)

Feb. 10, HL. The Lord Admiral reported to this House, the great backwardness of preparation for setting forth the navy this spring, by reason of the want of monies and other supplies; which being a business of such great consequence, he desired their Lordships to give him leave to present to the two Houses of Parliament a remonstrance of the whole business, for his own discharge: Which this House commanded to be read.

Which was done accordingly.

Hereupon this House ordered, to have a conference with the House of Commons, and communicate this remonstrance to them; and desire that they would take this business into speedy consideration.

A message was sent to the House of Commons, by Sir Edw. Leech and Dr. Aylett:

To desire a conference with the House of Commons, by a committee of both Houses, at three of the clock this afternoon, touching a remonstrance of the Lord Admiral's, concerning the navy ¹⁹⁶

The humble Remonstrance of Ro. Earl of Warwick, Lord High Admiral of Engl. to both Houses of Parliament.

Though I know your present affairs are many, and will not easily admit of diversions, yet the trust reposed in me, and the important consequences depending upon my faithful execution thereof, and your enabling me thereunto, require me to remonstrate the present state of our dangers at sea, and of the preparations to resist them; which I represent as followeth:

9. That, as our dangers are great at home, so are they not contemptible at a distance; the Earl of Marleborough ¹⁹⁷ being lately dispatched towards the West Indies, with two ships of good force, and others are preparing to follow him, for the seizing of all English ships found at the Western Islands, or any the English Plantations in America; ¹⁹⁸ which design, if

¹⁹⁶ *C. J.*, III. 395, 396.

¹⁹⁷ James Ley, third earl of Marlborough, admiral of the small part of the navy that had not passed out of the control of the king. For an account of the naval operations during the civil war, see C. D. Penn, *The Navy under the Early Stuarts*, pp. 265-297.

¹⁹⁸ Marlborough's plan was to sail for the Canary Islands, Madeira, and the Azores, thence to the Isle of May and the Cape Verde Islands, on to Barbados and other Caribbee Islands, then to pass northwards by Virginia, New England, and Newfoundland, and with the ships and men captured on this expedition to make a large fleet to oppose the navy of Parliament. Information of Miles Causton, master of the *George*, in Hist. MSS. Comm., *Thirteenth Rept.*, App. 1, pt. I. (*Portland MSS.*), p. 168.

not prevented by sending some ships of strength after him, will not only furnish the enemy with a very great number of ships and men fitted for present service, but will also put those plantations into a distempered and distracted condition, and thereby render them useless to the Parliament, they being now of special importance, both in order to great and honourable advantages attainable there, if the Parliament interest in them be preserved; as also in respect of the great income of customs and excise for commodities imported thence, which will otherwise be totally diverted to the service of the enemy. . . .

My humble request therefore is, that you will please to afford some time to hear, discuss, and speedily to conclude of these particulars, and such others as may be further offered in this behalf; they deserving to be reckoned amongst the public occasions of the kingdom, and (as things now stand) of equal importance (as I conceive) with any other: and if, upon consideration thereof, you shall think fit to direct the putting of these matters into an effectual way of accomplishment, I doubt not but (through God's blessing) the inconveniencies beforementioned will be prevented, yourselves and the kingdom preserved in a state of reputation and safety; to which if my life and utmost endeavours may be any ways contributory, I shall rest abundantly satisfied: however, if the great streights and exigency of the kingdom shall not possibly allow a transaction thereof, I must rest contented in this, that you who have intrusted me will (I am sure) do me the honour and justice not to expect my service beyond the proportion of my enablings.¹⁹⁹ (*L. J.*, VI. 419-421.)

Feb. 14, HC. An ordinance for the regulating of the excessive rates and prices set upon tobaccos, by way of custom and excise, was this day read the first and second time; and, upon question, committed unto the committee of the navy; with the addition of Mr. Strode, Mr. Whitelock, Mr. Vassall, Mr. Grene, Mr. Holland, Sir Peter Wroth, Colonel Long, Mr. Gallop: and are to meet this afternoon, at two of clock, in the Treasury Chamber. (*C. J.*, III. 399.)

Mar. 1, HC. Mr. Green reports the amendments to the ordinance concerning the regulating of the rates on the customs and excise of tobacco: the which were read; and, by vote upon the question, assented unto; and the ordinance, with the amendments, passed, upon the question; and ordered to be sent unto the Lords, for their concurrence. . . .

Forasmuch, as the Lords and Commons, assembled in Parliament, have taken notice of the rates, customs, and excise, laid and imposed on tobacco of all sorts, to be greater and higher than it will now well bear, in regard of the disturbance of trade in foreign parts, and present distractions of the kingdom: for the regulating whereof, and for the encouragement and ease, as well of the importer, as ingrosser and seller of tobacco, it is ordained, by the said Lords and Commons, that all tobaccos, of the English plantation, imported, and remaining in the hands of

¹⁹⁹ As a result of Warwick's plea Parliament took measures for fitting out 56 ships, in addition to 25 other vessels put to sea. Navy lists cited in Penn, *op. cit.*, p. 277.

the merchant or importer, or the ingrosser or buyer, thereof, shall be liable to such rates, for the excise, and such rules observed for the same, as are set down and prescribed in a late ordinance, of the three-and-twentieth of December 1643:²⁰⁰ and for all Spanish tobacco, not of the English plantation, imported, and remaining in the hands of any merchant or importer, or the ingrosser or buyer, thereof, at the day of the date of this ordinance, shall pay only six-pence for every pound, excise for the same. Provided always, that no person shall have any benefit of this moderation, but only such as shall, within fourteen days after the publication of this ordinance, make his personal appearance at such office of excise, under which his dwelling-place shall be, and there deliver in a true particular account of all such Spanish tobaccos, not of the English plantations, as were remaining in his hands, at the date of this ordinance, and for which the excise hath not been paid, as aforesaid; and shall presently according to the respective rate of six-pence upon a pound weight, pay and clear the said duty of excise, for all such tobacco as he had, at or before the day of the date hereof, remaining in his hands: but be proceeded against, without favour or pardon, according to the said former ordinance of excise, of the eleventh of September last. And it is further ordained, by the said Lords and Commons, that, for all tobaccos which have not, before this ordinance, paid the custom and excise, or shall, from the day of the date hereof, be imported, by any merchant, or others, into the kingdom of England, Dominion of Wales, and port and town of Barwick, the importer or ingrosser thereof shall pay custom and excise for the same, as followeth; *videlicet*, for all Spanish and other tobacco, not of the English plantation, the importer shall pay six-pence for every pound weight, for custom, and the ingrosser or first buyer one shilling excise for the same; and for all tobaccos of the English plantations which shall be imported, as aforesaid, the importer to pay one penny per pound custom, and the ingrosser or first buyer two-pence per pound for excise of the same: which respective sums of one shilling, and two-pence, to be paid by the ingrosser or buyer upon sale thereof, as is prescribed in the said ordinance of the eleventh of September last. And, lastly, it is ordered and ordained, by the said Lords and Commons, that no part of the customs or subsidy, paid by the merchant or other, at the time of the importation of his tobacco, as is expressed in the second article in the book of rates, shall be allowed, by the commissioners of the customs, or other officer or officers of the several custom-houses, to any merchant, or others, upon the exportation of any tobaccos; any order or ordinance heretofore made to the contrary in any wise notwithstanding. Provided, that this ordinance shall continue in force for the space of one whole year, from the day of the date hereof, and no longer. (*Ibid.*, pp. 412-413.)²⁰¹

²⁰⁰ See under date of Dec. 20, p. 150, *ante*.

²⁰¹ The ordinance is printed also in *L. J.*, VI. 449, under date of March 4; and in Firth and Rait, *Acts and Ordinances*, I. 394-395.

Mar. 4, HL. A message was brought from the House of Commons, by Mr. Serjeant Wylde and others:

2. To desire concurrence in divers ordinances:

1. An ordinance concerning the custom upon tobacco. (Here enter it.)

Read thrice, and agreed to. (*L. J.*, VI. 448.)

Mar. 8, HC. Ordered, that Mr. Green do make report of the business concerning the Carybe and Summer Islands. (*C. J.*, III. 421.)

Mar. 16, HC. Resolved, etc., that the committee of the navy shall have power to treat with the planters of the Carybe Islands, to lay one peny more custom upon tobaccoes of their growth, for the setting-forth to sea a man of war, of good strength, for the defence of those islands; such a ship as the Lord Admiral shall think fit and appoint. (*Ibid.*, p. 429.)

1644.

June 10, HC. Ordered, that it be referred to the committee of the navy, to consider what course is fittest to be taken for reducing the plantations of Virginia and Barmoudies to the obedience of Parliament.²⁰² (*Ibid.*, p. 525.)

Aug. 26, HC. The humble petition of Wm. Harris, Thomas Deacon, and others, trading to Virginia, was this day read; desiring, that they might have liberty to transport ammunition, cloaths, and victual, custom-free; that they might have commission and power to interrupt the Hollanders, and other strangers, that trade thither,²⁰³ and that the sequestrations of divers planters there might be taken off.²⁰⁴

Ordered, that the petitioners shall have liberty to transport their ships named in the petition; viz. the *Trade's Increase*, the *Virginia Merchant*, the *Globe*, the *Honour*, the *Reformation*, the *Mary*, the *Elizabeth* and *Ellen*, the passengers, and their cargazons of victual, cloathing, arms, ammunition, and other commodities, for the supply, defence, and relief of the planters, custom-free, upon the cautions, conditions, and restrictions, mentioned in the petition; viz. that the petitioners, as they are respectively

²⁰² In Virginia, Governor Berkeley was able to defeat all efforts made to reduce the colony into submission to the Commonwealth. In the Bermudas, despite the fact that Warwick was governor of the company, the Royalist party was likewise strong. In Barbados and some of the smaller West India Islands, the prevailing sentiment was also against the Parliament. Beer, *Origins*, pp. 350-352; Wertenbaker, *Va. under the Stuarts*, pp. 91-114; Davis, *Cavaliers and Roundheads of Barbados*, pp. 137-158; Lefroy, *Memorials of the Bermudas*, I. 549, 646.

²⁰³ Several efforts had been made from time to time to exclude the Dutch from trade with Virginia; and in 1641 instructions to Berkeley directed him to take bonds of the masters of vessels leaving Virginia, that the tobacco shipped would first be landed in England. But in spite of these precautions the Dutch, especially during the civil war, controlled much of the English colonial trade. (*Cal. St. P. Col.*, 1574-1660, pp. 63, 250-251; *Va. Mag. Hist. and Biog.*, II. 288, IX. 176-178; Bruce, *Econ. Hist. Va.*, I. 290-293; Beer, *Origins*, pp. 233-234, 356.) In March, 1642/3, Virginia passed an act making it "free and lawfull for any merchant, factors or others of the Dutch nation to import wares and merchandizes and to trade or traffique for the commoditys of the Collony in any shipp or shippes of their owne or belonging to the Netherlands". Hening, *Statutes at Large*, I. 258.

²⁰⁴ This was done the following October. Neill, *Virginia Carolorum*, p. 191; cf. *C. J.*, III. 666.

interested in each ship, will enter bonds in the High Court of Admiralty, with each several master, for proceeding on this their intended voyage, and returning the said ships and ordnance to the port of London, the dangers of the seas excepted.

It is further ordered, that the particular in the petition concerning the sequestration of the estates of planters in Virginia, be referred to the consideration of the sequestrators; to certify to what value the estates of such persons sequestered amounteth unto: and that the particular, concerning the interrupting of such as trade to Virginia, be referred to the consideration of the committee for the navy. (*Ibid.*, p. 607.)

Aug. 26, HC. Resolved, etc. that Mr. Solicitor²⁰⁵ be added to the committee for foreign plantations, in the place of Mr. Pym, deceased.²⁰⁶

The Lords concurrence to be desired herein.²⁰⁷ (*Ibid.*)

Sept. 16, HC. Ordered, that the humble petition of the merchants of Yermouth, adventurers for the whale-fishing, be referred to the consideration of the committee of the navy.²⁰⁸ (*Ibid.*, p. 629.)

Oct. 16, HC. A letter, to be written from Mr. Speaker,²⁰⁹ to the colony of Virginia, was this day read; and, upon the question, assented unto; and Mr. Speaker ordered to sign it.²¹⁰ (*Ibid.*, p. 666.)

Oct. 16, HC. Whereas a schedule of goods, desired to be shipped out to the Summer Islands, in the ship *Dorsett*, whereof Captain James Crannage is master; *videlicet*, forty dozen of shoes, forty hundred of hard soap, one thousand ells of red cotton, ten thousand ells of lockram and canvas, five hundred ells of Holland, two hundred pounds-worth of haberdashers wares, fifty pounds-worth of grocers ware, twelve barrels of powder, iron-ware of all sorts, to the value of thirty pounds, one tun of wine, two tun of strong waters, thirty dozen of stockings, fifty dozen of wool-cards, two hundred gross of tobacco-pipes, thirty pounds-worth of silk-ware, twenty dozen of canvass suits, five dozen of hats, and ten dozen of Monmouth caps, was this day read in the House of Commons: And

Ordered, that they be freely transported to the Summer Islands, without paying any custom or excise; with caution, that the above-named commodities be not employed by way of merchandize to any other place:

²⁰⁵ Oliver St. John, later chief justice, who was continued in office by Parliament after Sir Thomas Gardiner had been made solicitor to the king at Oxford in October, 1643. St. John, like Pym, was prominent in the management of the Providence Company. *Dict. Nat. Biog.*, L. 151-157; Newton, *Colonising Activities of the English Puritans*, see pp. 76, 86, 219.

²⁰⁶ Pym died Dec. 8, 1643. The most recent biography of this parliamentary leader is by C. E. Wade (London, 1912); an extended account of his career also appears in *Dict. Nat. Biog.*, XLVII. 75-83. For his connection with the Providence Company, see Newton, *op. cit.*, *passim*.

²⁰⁷ No reference to this is to be found in the *Lords Journals*.

²⁰⁸ The nature of this petition is not disclosed; cf. petition of Dec. 3, p. 158, *post*, praying that the importation of whale-oil and fins, except from Greenland, be prohibited.

²⁰⁹ William Lenthall.

²¹⁰ On Mar. 17, 1645/6, the Virginia house of burgesses expressed thanks to the House of Commons for all its favors, "but especially for informing us by letter of the 18th of October, 1644, that all sequestrations upon the goods of planters and others of Virginia was taken off". Neill, *Va. Carolorum*, p. 191. See also p. 182, *post*.

provided, that the said captain, and all other officers and passengers in the said ship, do take the national covenant before they be imbarqued; to be given by Mr. Musgrave of Gravesend. And

It is also ordered, that a letter be written from the committee of the Lords and Commons for the Summer Islands plantations, to the colony there. (*Ibid.*, p. 667; Lefroy, *Memorials of the Bermudas*, I. 590-591.)

Nov. 25, HC. Ordered, that Mr. Nicoll do carry up to the Lords, the ordinance concerning the customs of New-England, passed this House Friday *Martii* 10 1642;²¹¹ and all other ordinances passed this House, and ordered to be sent to the Lords for their concurrence. (*C. J.*, III. 704.)

Nov. 25, HC. Mr. Nicoll is appointed to go up to the Lords . . . with . . . 16. Ord[inance] concerning customs for merchandize transported to New England.²¹² (*Ibid.*)

Nov. 26, HL. An ordinance concerning goods exported and imported from New England, was read thrice, and agreed to.

Whereas the plantations in New England have been, by the blessing of Almighty God, and prosperous success, without any public charge to this state, and are likely to prove very happy for the propagation of the Gospel in those parts, and very beneficial and commodious to this kingdom and nation: The Lords and Commons now assembled in Parliament, for the better advancement of those plantations, and the encouragement of the planters to proceed in their undertakings, have ordained, and be it ordained by the said Lords and Commons, that all merchandize and goods, that, by any merchant or other person or persons whatsoever, shall be exported out of this kingdom of England, into New England, to be spent, used, or employed there, or, being of the growth of that country, shall be from thence imported hither, or shall be laden, or put on board, in any ship or vessel, for necessities, in passing or returning to and from, without paying or yielding any custom, subsidy, taxation, or imposition, or other duty for the same, either inwards or outwards, either in this kingdom or New England, or any port, haven, or creek, or other place whatsoever, from the tenth day of March, 1642, until both Houses shall take further order therein to the contrary; and all and singular customers, farmers, and collectors of customs, subsidies, and imposts, and other officers, ministers, and subjects whatsoever, are hereby required and enjoined, that they, and every of them, upon shewing forth unto them of this ordinance, or a true copy thereof under the hand of the clerk of the Parliament, without any other writ or warrant whatsoever, do make full, whole, and entire and due allowance, and clear discharge, unto the said owners of the said goods and merchandizes, their factors, servants, and agents, according to the true intent and meaning of this present ordinance. (*L. J.*, VII. 73, 75.)²¹³

²¹¹ The ordinance is printed under that date, p. 141, *ante*.

²¹² There was also an ordinance for payment of £210 to Robert Guilchrist for tobacco taken from the *Melior*, out of Barbados, and furnished for the relief of Galway, Ireland. *C. J.*, III. 701, 704; *L. J.*, VII. 73, 74-75.

²¹³ The ordinance is printed also in Firth and Rait, *op. cit.*, I. 571.

Dec. 3, HC. The humble petition of the fellowship of English merchants, for discovery of new trades, desiring, that the importation of whale-oil, and whale-fins, from any parts beyond seas, except from Greenland, might be prohibited, was this day read; and ordered to be referred to the consideration of the committee for the navy: and all the burgesses of the out ports are added to this committee, as to this business.²¹⁴ (*C. J.*, III. 712.)

1645.

Mar. 31, HC. Ordered, that the papers presented from Don Alonso de Cardenas, the King of Spain's ambassador, concerning Captain Jackson and Captain Taylor, be referred to the consideration of the committee of Lords and Commons for foreign affairs: who have power to hear the Spanish ambassador herein; and likewise to receive and offer all such complaints, as shall be brought unto them, of injuries done by any of the King of Spaine's subjects.

The Lords concurrence to be desired herein. (*Ibid.*, p. 94.)

Apr. 2, HC. Sir Robert Pye carried up to the Lords . . . the order for referring the papers presented by the Spanish ambassador, concerning Captain Jackson and Captain Taylor . . . (*Ibid.*, p. 96.)

Apr. 2, HL. A message was brought from the House of Commons, by Sir Rob't Pye, etc.

To desire concurrence to these particulars following: . . .

3. To communicate to their Lordships a paper received from the Spanish ambassador; upon reading which, they have made an order, wherein their Lordships concurrence is desired.

Agreed to.

To the Right Honourable the Lords and Commons in Parliament assembled.

It is represented unto your honours, by Don Alonso De Cardenas, of the council of his Catholic Majesty, and his ambassador in this kingdom;

That his Lordship hath understood, that Captain Jackson²¹⁵ and Captain Taylor,²¹⁶ with some ships, went from the river of London, towards the West Indies; and being arrived in divers parts thereof (which are dominions and provinces of the king his master) they put ashore, and, contrary to the articles of peace,²¹⁷ the good correspondence between the crowns of Spaine and England, and the law of nations, in a warlike manner, did enter in the towns of Margaritta, Trusills,²¹⁸ Maracacaio,²¹⁹ and

²¹⁴ See entry under May 6, following, for ordinance confirming the fishing monopoly. But the dispute with interlopers continued long thereafter. Scott, *Joint-Stock Companies*, II. 72.

²¹⁵ A full account of this expedition of Capt. William Jackson, in 1642-1643, taken from the "*Mercurius Americanus*", a manuscript volume among the Sloane MSS. in the British Museum, is given in Newton, *op. cit.*, pp. 267-271, 315-317. See also Edwards, *Hist. of West Indies* (fifth ed.), p. 176; Lefroy, *Memorials*, I. 591-592, 595, 596, 724. See petition of Jackson concerning another matter, p. 110.

²¹⁶ Capt. Robert Taylor. See Lefroy, *op. cit.*, I. 592, 716.

²¹⁷ Of 1630; see Davenport, *European Treaties bearing on the History of the United States and Dependencies to 1648*, pp. 306-307.

²¹⁸ Trujillo, or Truxillo.

²¹⁹ Maracaibo.

the island of Jamaica, and pillaged what they could find in the said places, as much as the pieces of ordinance which were in Jamaica, to the great prejudice of the said town, and inhabitants thereof, subjects of his Catholic Majesty.

And forasmuch that now the said captains are arrived in this river of London, with two ships and a pinnace, laden with the spoils of the inhabitants of the said towns, in which they have committed a most weighty crime, worthy of exemplary punishment, being the business so considerable, and the consequences may thereby accrue so prejudicial.

Therefore his Lordship hath thought fit to acquaint your honours herewith, to the end you would be pleased to take the same into your grave considerations, and examine this cause, and proceed accordingly; that the said Captain Jackson and Taylor may be punished as justice shall require, and compelled to give satisfaction for what damages shall be proved they have committed in the said parts; and that the said ships, pinnace, and lading thereof, may be sequestered, and deposited in secure, there to remain, until your honours do view, examine, and determine, the cause; which his Lordship intreateth, and doth expect from the justice of the Parliament will be done.

Ordered, by the Lords and Commons in Parliament assembled, that the paper presented from Don Alonso De Cardenas, the King of Spaine's ambassador, concerning Captain Jackson and Captain Taylor, be referred to the consideration of the committee of Lords and Commons for foreign affairs, who have power to hear the Spanish ambassador herein; and likewise to receive and offer all such complaints as shall be brought unto them, of injuries done by any of the King of Spaine's subjects. (*L. J.*, VII. 300, 301.)

Apr. 8, HL. Ordered, that the Lords committees do meet on Friday next, in the afternoon, at three of the clock, in the Prince's Lodgings; and to desire the House of Commons to appoint their committee to meet likewise, concerning the paper of the Spanish ambassador, concerning Captain Taylor and Captain Jackson.

A message was sent to the House of Commons, by Sir Edward Leech and Mr. Page:

2. To let them know, that this House hath appointed the Lords committees to meet on Friday next, to consider of the Spanish ambassador's paper against Captain Taylor and Captain Jackson. (*Ibid.*, p. 311.)²²⁰

May 2, HC. An ordinance, prohibiting the importation of whale-oil, fins or gills, other than what are fished in Greenland, by the subjects of this kingdom, and in ships set out from hence; was this day read the first and second time.

And the question being put, for the commitment;
It passed with the negative.

²²⁰ The Commons, upon receipt of the message from the Lords, ordered its committee on foreign affairs to meet at the same time and place to consider this business (*C.J.*, IV. 104). No further reference to this matter is met with, other than its possible connection with the order giving the committees of both Houses on foreign affairs power to treat with the Spanish ambassador concerning English ships being taken by Spaniards under commission by Charles. *Ibid.*, p. 108; *L. J.*, VII. 316.

And then it passed, upon the question; and was ordered to be sent unto the Lords for their concurrence. (*C. J.*, IV. 129.)

May 3, HC. Mr. Nicoll carried to the Lords, for their concurrence, the ordinances . . . for prohibiting the importation of whale-oil, etc. . . . (*Ibid.*, p. 131.)²²¹

May 5, HL. To the right Honourable the Lords assembled in the high Court of Parliament.

The humble petition of William Barkeley, alderman of the citty of London, Henry St John, and John de Bayley marchants.

Humbly sheweth that your petitioners being merchants did on or about the first day of March 1643 freight a shipp called the *Gillyflower* of London, Elias Pilgrim being master, to saile to Archibusto, the river of St. John and other places in America as appeares by the charterparty made for that purpose in which shipp one Madame La Tour wife of Mounsr. La Tour a frenchman that hath a plantation in the river of St John did desire to goe as a passenger who was acquainted. The shipp was to goe, first to Archibusto and then to St Johns aforesaid but the tymes being dangerous by reason of the kings shippes lyinge att Falmouth and thereabouts, there was a fained charterparty made betwixt the said John Bailly and the said Madame La Tour none other of the marchants or owners being parties thereunto, wherein is specyfyed that the said shipp should goe to the said river of St Johns and carry the said Madame La Tour which was made onely to serve the said shipp and goods, if they were taken by the kings forces they the said John de Bailly and Madame La Tour being of the French nation. After the said shipp came neare to the river of St Johns shee was forced to goe to Boston in New England and after her arrivall there, the master merchants and divers of the maryners were arrested imprisoned and kept in durance under hangmans hands by John Indicott,²²² who stiles himselfe governor there, Steven Wentropp recorder of Boston there and divers others of the magistrates of Boston in New England untill they had putt in security to bring on shore all the goods laden in the said shipp which done the said John Indicott Stephen Wentropp and the other magistrates there, without any coulour of lawe or justice, caused the said goods to be seized upon pretence of damage done to Madam La Tour, in that the said shipp did not goe to the river of St. Johns directly according to the fained charterparty made betweene John de Bailly and the said Madam La Tour notwithstanding the said John de Bailly and Isaack Barkeley did offer to make oath, that the said charterparty was onely fained for the security of the said shipp and goods from the kings party and that the reall charterparty was here in England a true copy whereof was there presented and oath offered to the court, and before the jury was charged the said John de Bailly and Isaack Barkeley did earnestly desire that the triall might be in England here where the charterparty was made and where the proofes were, which being denied by the said Steven Wentropp and the other magistrates

²²¹ Also in *L. J.*, VII. 348.

²²² Endicott was one of the original patentees of the Massachusetts Bay Company and governor in 1644, 1649, 1651-1653, 1655-1665.

they petitioned they might have a convenient tyme to produce their witnessses and offered the goods to be deposited for security and that the said John Bayly should remaine there till the cause was tryed but that was alsoe denyed and 4 daies after the evidence given in, the jury haveing frequent meetings with the advers party at tavernes and other places, the jury by threats of the said John Indycott, Steven Wentropp, and others all of them except one gave a verdict of 2017 *li.* damages to the said Madam la Tour, for the 18 daies stay, at Archibusto for payment whereof the said Steven Wentropp and the rest of the said magistrates caused all the goods in the said shipp to be confiscate, kept the said shipp three monethes at the marchants charge at 6 *li.* per diem destroyed their intended voyage to the damage of the petitioners 4500 *li.* at the least. Whereupon the said John de Bailly and Isaack Barkeley did appeale to the high court of Parliament then and now sitting att Westminster in England and did petition them that the cause might be referred to their justice. But the said John Indycott and Steven Wentropp and the rest of the magistrates did not onely refuse the same but with scorne and rage threw away the said petition or appeale saying wee are a free state, what have wee to doe with the Parliament of England, doe wee sett here to doe nothing? For as much as the said Steven Wentropp and Joseph Weld who was one of the jury that gave the said verdict, are now in England, but within very few daies are ready to goe into New England where there estates are if not speedily stayed by your Lordships order, and for that your petitioners can have noe ordinary legall proceedings for the said oppressions and extreame injustice but onely before your Lordships in Parliament,

Your petitioners humbly pray that you would take the premisses into considerations and cause the said Steven Wentropp and Joseph Weld to be summoned to answeere the premisses that they may give your Lordships satisfaction for their contempt and abuse of Parliament and your petitioners reparations for their losses, and that in case they be not able, that your petitioners may have letters of reprisall graunted out of the Court of Admiralty against the inhabitants and traders into Boston in New England.

And your petitioners as by duty bound shall ever pray.²²³ WM BARKELEY, HENRY ST JNO. (MSS. H. of L.)²²⁴

[No date], HL. To the right honourable the howse of Peeres in Parliament assembled.

The humble petition of William Barkeley Henry St Johns and John de Bayly of London marchantes.

²²³ Failing to get a review of his case in the general court at Boston, Berkeley attached, when in England, the ships of Winthrop, recorder of the court when the cause was tried, and Weld, who was one of the jury. Failing in his suits before the Admiralty and Chancery courts, he now petitioned Parliament for letters of reprisal. See Winthrop, *Hist. of N. E.* (ed. Savage), II. 236, 244-248, 303-304; Mass. Hist. Soc., *Collections*, third ser., VII. 98-99, 105-106; *Recs. of Gov. and Co. of Mass. Bay*, II. 135, III. 49.

²²⁴ Endorsed: "5" Maii 1645. Alderman Berkley et al. For the Lordes." Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 58. Attached to this petition is the undated one following.

Sheweth that your petitioners by charterpartie dated 1 *Marcii* 1643 did contract with Elias Pilgrim and others owners of the shipp called the *Gilliflower* of London for her freight to Archibecto and the river of Saint Johns in America and accordingly did lade that shipp with divers merchandizes amounting to a great valew.

That Madam de la Tour and six other French procured passage in the shipp.

That for preventing all dangers at sea from the kings partie John de Bayly whoe went in the shipp feigned a charterpartie in French betwixt himselfe and Madam de la Tour whereby he did undertake with the first good wind and convenient weather to carry the ladie and her goods and merchandizes which shee should lade the shipp withall unto a fort upon the said river of Saint Johns where her husband was a governor.

That in the voyadge the shipp mett with three French men of warr neere the mouth of the river of Saint Johns whoe had comission from the French king to take the ladie and her companie prisoners. Whereupon they not being able to fight them by the desire of Madam de la Tour steered theire course to Boston in New England there to procure safe conduct.

That uppon their arriveing at Boston Madam de la Tour lodged at the house of one Captaine Edward Gibbons a powerfull man in that towne unto whom the French ladies husband was endebted one thousand fower hundred pounds.

That by practise betweene Gibbons and the ladie an action was comenced in that towne against John de Bayly marchant and Isaack Barkeley factor to the marchantes and Elias Pilgrim master of the shipp in that voyage for not transporting the ladie to the river of Saint Johns according to the contents of the feigned charterpartie and for other breaches of the articles betweene Madam de la Tour and the petitioners.

That uppon this suite comenced the defendantes were arreasted and kept prisoners till they gave securitie by bond to bring all your petitioners goods a shoare which were laden in that shipp.

This being done the suite proceeded against all three of the defendantes to take awaye their testimonies, and was prosecuted with all violence by the said Edward Gibbons.

That the defendantes perceiving the practise betwixt the ladie and Gibbons thereuppon John de Bayly alleadged that the charterpartie uppon which the lady proceeded was meereley feigned betwixt the ladie and himselfe to prevent danger from the kings partie, and that in England was the true charterpartie, a coppie whereof was produced in open courte testified uppon oath. And desired that the cause might be referred to ould England where the witnesses lived.

Which being denied by John Endecott the pretended governour, John Wentropp deputie governour, Thomas Dudley, Richard Salteston,²²⁵ William Hibbins, [Thomas] Flint pretended magistrates sitting in courte and Increase Nowell secretary.

²²⁵ Saltonstall.

The defendant John de Bailie prayed time to procure witnesses out of England to be produced there and that proceedings might be stayed in the meane time and the rather for that all the parties there present whoe knew the trueth of the business, althoughe they were not concerned in it yet were made defendantes in this suite on purpose to take awaye theire testimonie. This alsoe was denied.

Uppon that John de Bayly sett forth the trueth of the case, that the charterpartie the[y] had proceedede uppon was a meere faigned thing.

That Alderman Barkeley and Henry Saint Johns were concerned in the shipp lading.

That the shipp was sayleing to the river of Saint Johns and was overpowred by the French men of warr.

The proceedings in this cause held three moneths and then a jury was impannelled, which jury were fower or five dayes before they gave upp theire verdict. Dureing which time Madam de la Tour and Edward Gibbons tampered with the jurors and were with them at drinkeing howses before they gave upp theire verdict, and by the power of Gibbons and others on the bench the jurors were soe awed and terrified that the defendantes being wholly deprived of their prooffe for want of witnesses, verdict was received by the courte at Boston and recorded against the defendantes for twoe thousand pounds damages and seaventeene pounds costs of suite albeit in giveing upp the verdict some of the jurie dissented. And some of the judges of the bench were soe violent that they tould the jurie fower thousand pounds damages was little enough for the plaintiff yea shee had deserved five thousand pounds damages and an other spake of fowerteene thousand pounds damages.

Then the defendantes appealed to the present Parliament sitting at Westminster in England which John Endecott and the rest sitting as judges on the bench rejected with scorne. And gave judgment against the defendantes for the twoe thousand pounds damages and seaventeene pounds costs and immediatly awarded execution against and seized the whole lading of the shipp even to the marriners victualls being your petitioners William Barkeley and Henry St Johns goods cheefely, whoe never heard of the business till the shipp haveing lost her freight and voyadge retorned home emptie.

All which was to the damage of your petitioners fower thousand five hundred pounds.

For which horrible injustice and highe oppression to the utter destruction of the merchants trade the petitioners humbly praye that John Endecott, John Wentrope, Thomas Dudley, Richard Salteston, William Hibbons,²²⁶ Mr Flint, Edward Michaelson, Edward Gibbons and others unknowne persons confederates in this wicked practise when their names shalbe discovered maye be called before your Lordships to bring before you the records and other proceedings herein and to answer the premisses and make such satisfaction to your petitioners and receive such sentence as to justice shall appertaine.

²²⁶ The name of Increase Nowell is here crossed off in the original.

And your petitioners shall praye etc. WILLIAM BAREKLEY, HENRY ST. JNO. (MSS. H. of L.)²²⁷

May 5, HL. An ordinance prohibiting the importation of whale-oil, etc. but in ships set forth from hence, and by English subjects, was read twice. (*L. J.*, VII. 352.)

May 5, HL. Upon reading the petition of Wm. Barkley, alderman of the city of London, Henry St. John, and John de Bayley, merchants:

It is ordered, that Steven Wentthrope and Joseph Weld shall have a copy of this petition, and return their answer to the same by this day sevensnight.²²⁸ (*Ibid.*)

May 6, HL. The ordinance for prohibiting train oil to be brought in by strangers, was read the third time, and agreed to. . . .

The Lords and Commons assembled in the high court of Parliament of England, taking into consideration that nothing more enricheth this kingdom than commerce, whereby the navigation thereof is much increased, especially in fishing voyages, and therefore ought to be encouraged; upon the humble petition presented from the fellowship of merchants of England for discovery of new trades, adventurers to Greenland; shewing, that they were the first discoverers of that country, and, for many years successively, have maintained the fishing there, which hath been a great increase of many seamen and many ships yearly employed, to the great benefit of this kingdom; but of late years have been much prejudiced, for that great quantities of whale oil of strangers fishing are permitted to be imported into this kingdom, more than it can spend;²²⁹ by means whereof, the said petitioners, and others his Majesty's subjects trading thither, have not vent for theirs, which, without some speedy prevention, will disable them from continuing their fishings into those parts, to the hazard of the loss of that country unto strangers (so long desired by them), being subjects to the crown of England; and likewise taking into consideration, that, in other kingdoms and states, the importation of whale oil and fins are not permitted to any but the subjects of those kingdoms and states of their own fishing; do therefore order and ordain, that no whale oil nor fins, nor gills, commonly called whale bone, either wrought or unwrought, shall hereafter be imported into any port, haven, or creek, of this kingdom, from any foreign parts whatsoever, other than what are immediately fished in Greenland by the subjects of this kingdom, and in ships set out from hence, under penalty of confiscation; and all customers, comptrollers, searchers, waiters, and all other officers, in their several and respective places, are hereby required to attend the due execution thereof, and not to permit or suffer any whale oil, nor fins, nor gills, as aforesaid, to be imported into this kingdom, or colourably customed for any other goods or merchandize; but that they do forthwith seize and take the same into their custody, one

²²⁷ Endorsed: "Petition. William Barkley et al."

²²⁸ Their petition is given below. In 1644, Madame La Tour came to New England in the *Gillflower* which was owned by the petitioners. The former brought action for being so long delayed on the seas, and the vessel and contents were seized in execution of the damages awarded her. In this connection see note 223, *ante*.

²²⁹ Scott, *Joint-Stock Companies*, II. 69-75.

moiety for the use and benefit of the state, and the other moiety for the said fellowship, towards their charges; and all justices of the peace, mayors, bailiffs, sheriffs, constables, headboroughs, and all other his Majesty's officers, in their several and respective places, are hereby commanded and required to be aiding and assisting therein, as they will answer the contrary at their perils. (*Ibid.*, pp. 355, 356; Firth and Rait, *Acts and Ordinances of the Interregnum*, I. 679-680.)²⁸⁰

May 12, HL. To the right honourable the Lords in Parliament assembled.

The humble petition of Stephen Wentroppe and Joseph Weld together with their answer to the petition of William Berkley alderman of London, Henry St John and John de Bayley.

Humbly shewe that in January 1644 the petitioners beinge inhabitants of new England came over aboute their speciall affaires to this kingdome.

That shortly after, to weet, in the begininge of February followeing, the said alderman and his partners for the same matters now conceived and pretended in their petition, sued and impleaded the petitioners in the Admiralty Court, good and sufficient baile put in, and witnesses there examined and the cause depends, which the alderman and partners seeme nowe to decline, and theis petitioners are farther respectively ready to cleare upon their oathes if it be required, as in chancery they have done, that they intermedled noe way with the said aldermans and partners ship or goodes, but only the petitioner Stephen being recorder of Boston (whose office is to register the actes of the court there as a minister and clarke) did in a suite wherein Madam de la Toure was plaintiff register the actes and orders of court and the said Joseph was a jurymen in the cause and gave his verdict therein, and otherwise then soe, did not intermeddle nor had to doe with the other party, nor were att all concerned in the event or interest of the said suite or cause, and as touching the wordes and actiones charged against the petitioners by the said alderman and partners in their petition they severally deny that they ever spake or did the same but have ever borne all due honour to this honourable assembly, and whereas the alderman and partners have charged John Endicott the governour and the rest of the magistrates there with unjust proceedinges in the cause and contemptuos speeches against this honourable assembly, the petitioners are confident the charge is scandalous and untrue, and their proceedinges were just in the said cause.

They withall humbly present to your Lordships of what evill consequence it is that the petitioners being the one of them onely a minister of the court and doeing nothing but in a court as a minister and the other a jury man, shalbe put to defend the merittes of a cause, or justice of a court especially where the matter is acted in partes soe remote, the said alderman and partners haveing made it the greatest parte of their complaint, as the petitioners conceive, that they were questioned in New England for matters pretended to be acted here where witnesses could not be produced and it is noe lesse difficult for theis defendantes and peti-

²⁸⁰ Also in Husband, p. 646.

tioners to doe the same here touching matters acted there, if it were proper for them soe to doe to take on them the defence of the cause.

The petitioners have bene long staid (and though your petitioners were forced to put in 4500 *li.* bayle in the Admiralty yet the alderman and partners have now procured a *ne exeat reg.*²⁸¹ against your petitioners and thereby forced them to put in 4000 *li.* baile more for their liberty out of prison). They therefore humbly desire to be left to the ordinary court of justice, otherwise theire very stay here, from their estate freinds and imployment wilbe their utter ruine, which they pray your Lordships to prevent and they as ever bound shall pray etc. STEPHEN WYNTHROP, JOSEPH WELD. (MSS. H. of L.)²⁸²

May 12, HL. The petition of Steven Wentroppe and Joseph Weld, was read: and it is ordered, that the said petition shall be shewed Alderman Berkley, Henry St. John, and John de Bayley, who are²⁸³ to return their answer to this House within ten days.²⁸⁴ (*L. J.*, VII. 366.)

May 29, HL. Upon reading the petition of Wm. Barkley alderman, and Henry St. Johns: (Here enter the petition.) It is ordered, that Steven Wenthorp and Joseph Welde shall have a copy of this petition, and shew cause why the prayer of the petition should not be granted.

To the Right Honourable the Lords in the High Court of Parliament assembled.

The humble petition and reply of William Barkeley alderman of the city of London, Henry St. Johns, and John De Bayly, to the answer of Stephen Wentropp and Joseph Welde;

Humbly sheweth, that whereas your petitioners have heretofore exhibited their petition against the said Stephen Wentropp and Joseph Welde and others, before your Lordships, for divers injuries, oppressions, and injustice done your petitioners, in²⁸⁵ New England; unto which petition the said Stephen Wentropp and Josephe Welde have put in an insufficient answer, not having given any direct answer to the material charges in the said petition; and your petitioners say, that, after the said oppressions and injustice done in the said court of Boston, your petitioners, or some in their behalf, did petition to the general court, or high court there, as they call it, for an appeal or review of the said cause, which, according to the course there, cannot nor may in justice be denied; yet the judges, or magistrates, in the said higher or general court (of whom the said Stephen Wentropp was one, sitting there as judge, and having vote, as a magistrate), did refuse to accept of the said appeal or review; which your petitioners are ready to aver and prove, as this high court shall order; and humbly pray, that your petitioners may in this cause make use of depositions taken in the Court of Admiralty in the same cause, between the same parties, in regard many that were sworn there are sea-

²⁸¹ *Ne exeat regno*, a writ issued by a court of chancery requiring a defendant to give bail that he will not leave the country without permission of the court.

²⁸² Endorsed: "12 Maii 1645. Answered. Stephen Wentroppe et al. Answered Ald. Berkley." Calendars in Hist. MSS. Comm., *Sixth Rept.*, App., p. 59.

²⁸³ Note in *Journals*, "Origin. is".

²⁸⁴ See note 223.

²⁸⁵ Note in *Journals*, "*Deest in Originali*".

men, and now gone to sea, and others cannot be now produced at the hearing of this cause, being gone beyond seas, and about their necessary occasions: And your petitioners further pray, that your honours would be pleased to appoint some certain time for your petitioners to make their proofs, and for the hearing of the said cause.

And your petitioners (as in duty bound) shall pray, etc. WILLIAM BERKELEY, HENRY ST. JONES. (*Ibid.*, pp. 399, 400.)

[July 24], HL. To the right honourable the Lords Assembled in the High Court of Parliament.

The humble petition of Sir John Barrington knight and baronet.

Humbly sheweth that whereas Sir Thomas Barrington²³⁶ knight and baronet your petitioners late father out of his zeale to the publike good of the kingdome, and the promulgation of the gospell of Christ was together with divers of the Lords of this honourable house and many well affected gentry an adventurer into the island of Katherina, otherwise called the island of Providence, by meanes whereof your said petitioners father disbursed many great somes of money of his owne, and alsoe became ingaged with some of the Lords of this honourable house and others for considerable somes of money yet unsatisfied. And whereas the said island was by the hard and undue dealing of such as then swayed the affaires of this realme exposed to the rapine of the publike enemy, by meanes whereof the said adventurers, and togeather with them your said petitioners father, were greatly prejudiced (which your petitioner hopes will in its due time be considered by the state of this kingdome) and your petitioners said father being now lately dead and by reason of his endeavours for the publike good, having drawne many particuler debtes and ingagements upon himselfe of his owne, more then theis necessitous times will any way permitt your petitioner to give present satisfaction unto, yet nevertheless your petitioner being now unprotected and thereby left lyable to be sued and molested for divers debts owing by the said company, and for particuler members thereof, and for other Lords of this honourable house all of them being protected by priviledge of Parlyament

Now forasmuch as there is noe way for your petitioner to procure or compell those that are ingaged with him to pay the debtes for which your petitioner (by his fathers act) stands ingaged for them, nor can your petitioner make present satisfaction thereof he being soe overcharged with his fathers proper ingagementes. Hee therefore humbly prayes, that your Lordships wilbe pleased to graunt him your protection for his person, lands and goods against such persons only to whome his father was ingaged for the proper debt of the company or of any of the Lords of your honourable house whereby your Lordships shall preserve from ruine a family that hath bin (and hee hopes shall remaine) serviceable to the state, without injustice to the creditors, who may in

²³⁶ A member of the Providence Company who had died in 1643. His son, who makes this petition, was the only member of that company unprotected by parliamentary privilege from suit. While the ordinance ordered in his favor seems not to have been reported, each member eventually assumed responsibility for his share of the debt, so that Barrington was compelled to pay only his father's share. Newton, *op. cit.*, p. 308.

convenient time be satisfied by the joynt assistance of those from whome the debtes of right are due

And your petitioner (as bounden) shall pray etc.²⁸⁷ (MSS. H. of L.)

July 24, HL. An ordinance concerning Sir John Barrington knight and baronet was read twice, and committed to these Lords following; and some of the creditors to be heard, what they can say in this business: *Comes Northumb., Comes Pembroke, Comes Warwicke, L. Viscount Say and Seale, Ds. Robertes.*

Any two, to meet to-morrow morning; and when after they please. (*L. J.*, VII. 506.)

Sept. 3, HL. The House being informed, that the king hath put a new governor into the island of St. Christopher's, belonging to the Earl of Carlile; the inhabitants there do look upon his Lordship as a person sequestered by the Parliament, whereby his Lordship suffers much.

Hereupon it is ordered, that a declaration be drawn up, to certify that his Lordship's sequestration is taken off, and that he stands right in the judgement of this House. (*Ibid.*, p. 565.)

Sept. 12, HL. The declaration concerning the Earl of Carlile's island,²⁸⁸ was read, and agreed to.

Whereas the Right Honourable James Earl of Carlile, being, by several letters patents under the great seal of England, made lord and proprietor of the Caribee Islands, or province of Carlile, who, coming in, and conformed himself to the Parliament, according to a declaration in that behalf made, upon which the sequestration of his estate was taken off in all places whatsoever, as appears by an ordinance of both Houses in that behalf made; yet, notwithstanding, certain persons (as the House is this day informed) have (pretending to be sent with commissions for the government of the said islands) laboured to out the governors there now legally settled by the said earl by virtue of his said letters patents, which may cause disturbance to the inhabitants, which hitherto have remained in quiet, following their callings; and for that the said earl is now sending a commission over into the said islands, for the regulating his revenue, and settling the inhabitants thereof in a more happy and secure condition than²⁸⁹ at present they are in; and for the avoiding of all doubts and scruples which may any ways arise in any of the inhabitants of the said islands, touching the said earl, or his interest in the premises: It is manifested and declared, by the Lords assembled in Parliament, that, the said sequestration of the said earl being taken off as aforesaid, he standeth in the same condition with other peers of this realm, both for the privilege of his person and estate; and that, he being lord and proprietor of the said province as aforesaid, all manner of powers, profits, privileges, and authorities, incident and belonging to the lord and proprietor of the said islands, do belong unto him, notwithstanding any thing that may be objected to the contrary; of which, all the planters and

²⁸⁷ There is no signature to the petition. It is endorsed, "Sir Jo: Barrington". Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 71.

²⁸⁸ St. Christopher, one of the islands of the West Indies granted to Carlisle in 1627.

²⁸⁹ Note in *Journals*, "Origin. that".

inhabitants of the said islands are to take notice, and yield their obedience to him and his just commands, and to such governors as is or may be placed by him in the said islands, according to the authority given him by the said letters patents, as they will answer the contrary to this House. (*Ibid.*, p. 578.)

Sept. 23, HL. Upon reading this petition of the Company of London, for plantation of the Summer Islands; shewing, that they intend to send to the said islands divers parcels of goods, for the relief of the poor there; therefore desire that the said goods may go custom-free, and the commissioners of the customs to have directions accordingly.

Ordered, that this House grants this petition; and that the concurrence of the House of Commons be desired herein.

The particulars follow:

In the ship, *Dorsett*, of London, Captain James Crannidge master, 28 seamen, 100 passengers.

1000 ells of coarse red cotton; 50 pounds-worth of woollen cloth; 200 ells of holland; 12,000 ells of lockram and canvas; 150 pounds-worth of habberdashers wares; 50 pounds-worth of grocery wares; 20 pounds-worth of iron wares; 1 tun of wines; 2 tons of strong waters; 20 dozen of wool cards; 150 pounds-worth of shoemakers thread; 1000 gross of tobacco pipes; 10 dozen of canvas suits; 10 dozen of waist-coats; 5 dozen of Monmouth caps; 2 tuns of rozin and pitch; 100 pounds-worth of old household-stuff; 50 pounds-worth of fishing-lines and hooks; 20 dozen of shoes; 300 ells of baize; 500 of hops; 200 l. of wool. (*Ibid.*, p. 591.)

Sept. 25, HC. A message from the Lords,²⁴⁰ by Sir Edward Leech and Mr. Page. . . .

The Lords have commanded us to deliver you A petition of the Company of London, for plantation of the Sommer-Islands

The petition of the Company of London, for plantation of the Summer-Islands, was read: And

Ordered, that the passengers and goods, mentioned in the schedule annexed to the said petition, shall pass outward free, by bill of store, without paying any custom for the same. (*C. J.*, IV. 285.)

Sept. 26, HL. Sir Edward Leech and Mr. Page return with this answer to the message sent yesterday

5. They agree to the business concerning the Sumer Islands (*L. J.*, VII. 599.)

Oct. 27, HC. Upon the petition of divers inhabitants of the Summer-Islands;

It is ordered, etc. that the inhabitants of the Summer-Islands, and such others as shall join themselves to them, shall, without any molestation or trouble, have and enjoy the liberty of their consciences, in matters of God's worship, as well in those parts of Amiraca where they are now planted as in all others, parts of Amiraca, where hereafter they may be planted; until this House shall otherwise order. And

²⁴⁰ *L. J.*, VII. 599.

It is further ordered, that it be referred to the committee of Lords and Commons for plantations, to see this order put in due execution.²⁴¹ (*C. J.*, IV. 325; Lefroy, *Memorials of the Bermudas*, I. 600.)

Nov. 4, HC. Resolved, etc., that the word "excise" shall be added to the ordinance of 26 *Novembris*, 1644, concerning the exemption of the traders to and from New-England from paying of customs.

The Lords concurrence to be desired herein.²⁴² (*C. J.*, IV. 333.)

Nov. 28, HL. The Lord Viscount Say and Seale reported a paper from the committee of both kingdoms; which was read.

Die Jovis, 27 Nov. 1645.

At the Committee of both Kingdoms, at Derby House.

Ordered, that the letter of Mr. Strickland,²⁴³ from the Hague, of the $\frac{8}{20}$ Nov. be reported to both Houses; and that it is the opinion of this committee, that it be recommended to the committee of the Admiralty, to take care of the sea affairs. . . .

Ordered accordingly.

Mr. Strickland's letter was read. (Here enter it.)

Ordered, that this letter be communicated to the House of Commons; and their concurrence desired, that it may be recommended to the care of the Admiralty, to have care of the sea affairs.²⁴⁴

Right Honourable,

It is like there will be ill blood betwixt the King of Portugall and this state; for the Portugaies in the West Indies, in Brazill, have taken a strong fort, called St. Austin's Fort, from the States; and some say two ships loaden with arms sent from hence.²⁴⁵ The Portugall ambassador here will not seem to know any thing of it, nor will avow it as the king's act:

In the mean time, the West India Company are preparing ships [] their relief, and have fifty thousand pounds to do it withall. Your honours will see the story more fully by the inclosed letter, printed here. . . .

HEAGE, Nov.

$\frac{8}{20}$ th, 1645.

Right Honourable,

Your most humble Servant,

WALTER STRICKLAND.

For the Right Honourable the Committee of both Kingdoms, at Darby House. (*L. J.*, VIII, 14, 15.)

²⁴¹ The general contents of this petition are given in the order of the commissioners, Nov. 4, 1645, signed by the earls, Robert of Warwick, Philip of Pembroke and Montgomery, and Edward of Manchester, William viscount Say and Seale, Philip lord Wharton, Arthur Haslerigg, Benjamin Rudyard, Henry Vane, Cornelius Holland, and Miles Corbett, granting the petitioners and all inhabitants of the islands and of other parts of America, protection and freedom in their worship. Printed in Lefroy, *op. cit.*, I. 600-602. See also the petition from the inhabitants of these islands to this committee concerning religious grievances. *Ibid.*, pp. 609-611.

²⁴² The order was agreed to by the Lords on Nov. 10. *C. J.*, IV. 337; *L. J.*, VII, 686, 687.

²⁴³ Agent of the Long Parliament to the United Provinces, with one interruption, 1642-1650, and prominent in political affairs during the Commonwealth.

²⁴⁴ The Commons, on this day, concurred in the recommendation. *C. J.*, IV. 357.

²⁴⁵ The Portuguese revolt in Brazil is fully described in P. M. Netscher, *Les Hollandais au Brésil*, pp. 116-165, and in Southey, *History of Brazil*, II. 1-250.

Dec. 3, HL. Upon reading the petition of Dame Cicily Dowager Delaware; shewing,

That his late Majesty King James, in consideration of the great services done by her husband Thomas Lord Delaware, in Virginia,²⁴⁶ advanced with the expence as well of his as the petitioner's estate, whereby to this day this kingdom receives no small advantage, was pleased, for the petitioner's livelihood, and increase of her poor means, to grant her a pension of five hundred pounds per annum, out of the customs and imposts, for thirty-one years, of which divers years are still to come;²⁴⁷ whereby she was enabled, whilst she received the same, to pay the annual rent of eighty-nine pounds, thirteen shillings, and four pence, to his Majesty, out of that part of the hundred of Whorwell, in Com. South'ton, which is the petitioner's jointure.

That, her said pension being stopped, the petitioner is thereby, and through many other losses, contributions, and free quarterings, laid upon her and her tenants during this war, become altogether disabled to discharge the said annual rent, now in arrear four years, and at this present required.

The petitioner prayeth, that their Lordships would give order, she may have and enjoy the said pension, granted upon such just and equitable causes, whereby she may be enabled to pay the said annual rents, and discharge the said arrears; and that in the interim they may be suspended from levying.²⁴⁸

Ordered, that this petition be specially recommended to the committee for the revenue. (*Ibid.*, p. 21.)

Dec. 25, HL. The Earl of Warwicke reported a paper from the committee of foreign plantations, concerning Maryland, which was read; and it is referred to the committee for foreign plantations, to prepare an ordinance for the indemnity of such as shall act any thing for the public in reducing that plantation.²⁴⁹

Die Veneris, 28 Novembr. 1645.

At the Committee of Lords and Commons for Foreign Plantations.

The petition of divers the inhabitants of Maryland was this day read; setting forth, the tyrannical government of that province, ever since its first settling, by recusants, who have reduced and forced many of his Majesty's subjects from their religion; and humbly praying the assistance and protection of the Parliament, by appointing such a government as they shall think fit.

Upon consideration whereof, as also of the letters patents whereby his Majesty in the eighth year of his reign granted the said province to Cecill Calvert baron of Baltimore, and of a certificate from the judge of the

²⁴⁶ See note 12, p. 21.

²⁴⁷ See note 36, p. 34.

²⁴⁸ The original of this petition, here printed in full, is to be found among the manuscripts of the House of Lords. It is calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 86.

²⁴⁹ The ordinance passed the House of Lords nearly a year later, Nov. 24, 1646 (see p. 183, *post*), and was ordered to be sent to the Commons; but there is no record of any further action in the matter.

Admiralty (grounded upon depositions of witnesses taken in that court), that Leonard Calvert late governor there had a commission from Oxford, to seize such persons, ships, and goods, as belonged to any of London; which he registered, proclaimed, and endeavoured to put in execution, at Virginia;²⁵⁰ and that one Brent,²⁵¹ his deputy governor, had seized upon a ship employed under commission derived from the Parliament, because she was of London, and afterwards not only tampered with the company thereof to carry her to Bristol, then in hostility against the Parliament, but also tendered them an oath against the Parliament:²⁵² This committee doth therefore conceive, that not only the said governor and deputy governor are unfit to be longer continued in the said charge, but also that the Lord Baltimore hath broken the trust reposed in them by the said letters patents; and that it will be a very good service to have the said plantation and government settled in Protestants hands by ordinance of Parliament: and it is ordered, that a report be made of this matter to both Houses, that their pleasure may be received therein; and for that Captain Ingle²⁵³ lies under the trouble of many suits here, for matters done in Maryland for the Parliament's service, the Houses therefore to be moved, to make provision, by ordinance, for exempting from under prosecution here, all persons that shall be employed in the settling and executing of the said government, for matters referring to the said government, by referring the same to a committee of Parliament, or otherwise in such sort as to the wisdom of the Houses it shall appear meet. And the Earl of Warwicke is desired to make report thereof to the House of Peers. (*Ibid.*, pp. 66, 68-69; *Archives of Maryland*, III. 164.)

1645/6.

Feb. 24, HL. Upon reading the petition of Captain Ingle, concerning his business in Marylande.

(Here enter the petition.)

It is ordered, that this House will hear the cause this day sevensnight, at this bar, by counsel on both sides; and that all proceedings against him at the common law be stayed.

To the Right Honourable the Lords now in Parliament assembled.

The humble petition of Richard Ingle;

²⁵⁰ *Cal. St. P. Dom.* 1644-1645, pp. 627-628; *Virginia and Maryland*, reprinted in Hall, *Narratives of Early Maryland* (Jameson's *Original Narratives of Early American History*), pp. 197-198, and in Force, *Tracts*, vol. II., no. 9, p. 11.

²⁵¹ Giles Brent, of Kent Manor, who was acting governor during the absence of Leonard Calvert in England. *Arch. of Md.*, III. 130, 135, 139, IV. 217.

²⁵² The seizure of Ingle's ship, the *Reformation*, which lay at anchor in St. George's River. This was the beginning of a long dispute between Ingle and the Maryland government. *Arch. of Md.*, III. 164-171; Steiner, *Md. during the English Civil Wars*, pt. II., pp. 32-38; *Md. Hist. Mag.*, I. 127-128.

²⁵³ Ingle was accused of calling Prince Rupert "a traitor and a rogue", and of being guilty of piracy and other crimes. He was allowed to depart from Maryland upon depositing a pledge that he would appear at court within a year. In February of this year Ingle came to Virginia and Maryland, bearing letters of marque from the Lord High Admiral which gave him power to seize ships trading with places hostile to Parliament. He seized several vessels, and burned and plundered everywhere. Suits were later brought against him by Thomas Cornwallis and others for damages. Ingle asked that these be heard at the bar of the House of Lords, which was done (see next entry). But the hearings were postponed from time to time, apparently without decision. *Arch. of Md.*, III. 164-254, *passim*; Edward Ingle, *Captain Richard Ingle* (*Md. Hist. Soc.*, Fund Publication, no. 19); Steiner, *op. cit.*, pt. II., pp. 32-38, 48-60; "Richard Ingle in Maryland", in *Md. Hist. Mag.*, I. 125-140.

Shewing, that whereas the petitioner having taken the covenant, and going out with letters of marque, as captain of the ship the *Reformation* of London, and sailing to Maryland; where finding the governor of that province to have received a commission from Oxford, to seize upon all ships and goods belonging to London, and to execute a tyrannical power against the Protestants and such as adhered to the Parliament, and to press wicked oaths upon them, and to endeavour their extirpation; the petitioner, conceiving himself not only by his covenant, but in his fidelity to the Parliament, to be conscientiously obliged to come in to their assistance, did venture his life and fortunes in landing his men, and assisting the said well-affected Protestants against the said tyrannical governor, and the papists and malignants his adherents, and had several bickerings with them; and it pleased God to enable him to take divers places from them, and to make him a support to the said well-affected.

But, since his return into England, the said papists and malignants conspiring together have brought fictitious actions against him at the common law, in the name of Thomas Cornwallis²⁵⁴ and others, for pretended trespasses, in taking away their goods, in the parish of St. Christopher's, London; and then recited the particulars, which are the very goods that were by force of war justly and lawfully taken from these wicked papists and malignants in Maryland, and with which he relieved the poor distressed Protestants there, who otherwise must have starved and been rooted out.

Now, forasmuch as your Lordships, in point of state, by the order annexed,²⁵⁵ were pleased to direct an ordinance to be framed, for the settling of the said province of Maryland under the command of Protestants, and for the indemnity of the actors in it; and for that such false and feigned actions, for matters of war acted in foreign parts, are not by law triable at the common law; but, if at all, before the constable and marshal; and for that it would be of dangerous example to permit papists and malignants to bring actions of trespass or otherwise against the well-affected, for fighting and standing for the Parliament;

The petitioner most humbly beseecheth your Lordships to be pleased to direct that this business may be heard before your Lordships at the bar, or to refer it to a committee, to report the true state of the case; and to order that the said suits against the petitioner at the common law may be staid, and no further proceeded in.²⁵⁶ RICHARD INGLE. (*L. J.*, VIII. 183, 186; *Arch. of Md.*, III. 165-166.)²⁵⁷

²⁵⁴ One of the original council of Maryland, and a leader in the colony. On two occasions Governor Calvert appointed him deputy-governor (*Arch. of Md.*, III. 74, 98). Cornwallis brought suit against Ingle for £3000. He claimed that Ingle had incited his servants to rebellion, carried off his cattle, and damaged his mansion and estate. Steiner, *op. cit.*, pt. II., pp. 57-59; *Arch. of Md.*, III. 166-168.

²⁵⁵ The order of Dec. 25 (see previous entry) was annexed to this petition.

²⁵⁶ Note in *Journals*, "Origin. proceed."

²⁵⁷ A copy of the original petition, from the manuscripts of the House of Lords, was compared with this version. It is calendared in Hist. MSS. Comm., *Sixth Rept.*, App. I, p. 101. Attached to the petition are declarations of Cornwallis and Ingle concerning the matters at issue. These are printed in *Arch. of Md.*, III. 166-168.

Mar. 3, HL. Ordered, that Captain Ingle's business shall be heard on Tuesday morning next,²⁵⁸ at which time Mary Foord's petition²⁵⁹ and the articles annexed shall be heard, at which time all parties shall be heard. (*L. J.*, VIII. 196.)

Mar. 10, HL. Ordered, that the cause of Ingle and Ford, versus Cornwallis, shall be heard on the 14th of this instant March.²⁶⁰ (*Ibid.*, p. 206.)

Mar. 14, HL. The Earl of Warwicke reported from the committee of the Admiralty two papers, which were read: . . .

Die Veneris, 13 Martii, 1645.

At the Committee of Lords and Commons for Foreign Plantations.

Ordered, that both Houses of Parliament be moved, from this committee, to pass a declaration, for the confirming and continuing of the ordinance of Parliament, dated 2 Nov. 1643,²⁶¹ touching foreign plantations; and that, for the obtaining of more frequent meetings, some other members of both Houses be added for commissioners.

Hereupon this House added these Lords following, to be added to be of the committee for foreign plantations: *Comes Northumb, Comes Nottingham, Comes Sarum, Comes Denbigh, L. Dacres, L. Bruce.*

Next, an ordinance was read, for the continuance of the ordinance for foreign plantations.²⁶² (*Ibid.*, p. 209.)

Mar. 14, HL. A message was sent to the House of Commons, by Doctor Aylett and Doctor Heath:

That, upon a report from the committee of foreign plantations, the Lords have passed an ordinance for continuance of the former ordinance; and have added six Lords to be of that committee, and desire the House of Commons to add a proportionable number of their House, and to give expedition to the ordinance with all convenient speed, because the ships are to go away on Tuesday next. (*Ibid.*)

Mar. 14, HC. A message from the Lords, by Doctor Aylett and Doctor Heath;

The Lords have commanded us to bring you this report from the committee for foreign plantations; and, in it, their sense concerning the same; to which they desire your concurrence: . . .

Resolved, etc., that the House do sit on Thursday in the afternoon, to take into consideration the several messages that have been sent from the Lords to this House: and that no other business be then taken into consideration. (*C. J.*, IV. 475.)

²⁵⁸ Cornwallis filed papers on Mar. 2, alleging that Ingle had converted to his own use goods valued at £200 which Cornwallis had given him for purposes of trade, and had damaged his estate in Maryland to the value of £2500. Printed in full in *Arch. of Md.*, III. 166-167.

²⁵⁹ "That Capt. Cornwallis stands guilty of the facts mentioned in the paper annexed." Printed in *Arch. of Md.*, III. 168-170. Mary Ford, a widow, accused Cornwallis of kidnapping two of her children and of carrying them into Maryland for the purpose of planting the colony with Catholics; of having caused the death of Ratcliffe Warren and others; and of seizing Ingle's ship. *Ibid.*; Steiner, *op. cit.*, pt. II., p. 59.

²⁶⁰ Further postponements are noted under dates of Mar. 14 and 17. *L. J.*, VIII. 209, 215.

²⁶¹ See p. 147.

²⁶² The ordinance is printed below, under date of Mar. 21, p. 176.

Mar. 16, HC. A message from the Lords,²⁶³ by Sir Edw. Leech and Mr. Page;

They desire to put you in mind of these particulars: the ordinance for foreign plantations, the ships being ready to go away on Wednesday and Thursday next; and, at this time, that may be done for reducing of St. Christopher's, and Mountserratt, now under the command of the Earl of Marleborough, which cannot be done for many thousands, if this fleet go away without instructions and authority to reduce them:

Ordered, that the particulars of this message be taken into consideration, when the House return from the conference.

Answer returned by the same messengers;

The House hath considered your message; and will send answer by messengers of their own

The report from the committee for foreign plantations was read; and likewise an ordinance for continuance of an ordinance of the second of November 1643, for ordering the affairs of the foreign plantations.

Also the Lords paper, touching the said report and ordinance; setting forth their approbation thereof, and that they had added six Lords to the said ordinance; was likewise read.

Resolved, etc., that this House doth agree with the Lords in the ordinance for continuance of the ordinance of the second of November 1645 [1643], for the ordering of the affairs of foreign plantations.

Resolved, etc., that Mr. Solicitor General²⁶⁴ be added to the ordinance for the affairs of foreign plantations, in the place of Mr. John Pym, deceased.²⁶⁵

Resolved, etc., that Mr. Alexander Rigby be added to the ordinance for the affairs of foreign plantations, in the place of Mr. Wm. Spurstowe, deceased.²⁶⁶

Resolved, that Sir John Clotworthy, Mr. George Fenwick, Mr. Salwey junior, Mr. Purefoy, Mr. Francis Allen, Mr. John Ash, Mr. Prideaux, Sir Henry Mildmay, Mr. Recorder,²⁶⁷ Mr. Snelling, Sir Phillip Stapleton, and Sir William Waller, shall be of the committee in the ordinance for the affairs of foreign plantations. (*Ibid.*, pp. 475-476.)

Mar. 20, HL. Upon reading the petition of Tho. Devenish, keeper of Winchester House: (Here enter it.) It is ordered, that the consideration of the things desired be referred to the two next justices of the peace, to do therein as they shall think fit.

To the Right Honourable the Lords in Parliament assembled.

The humble petition of Thomas Devenish, keeper of Winchester House Prison;

Sheweth, that there are several prisoners committed to him by the justices of peace of Surrey, most of them being for petty misdemeanors

²⁶³ *L. J.*, VIII. 210.

²⁶⁴ Oliver St. John.

²⁶⁵ Pym died in 1643.

²⁶⁶ Spurstowe, representing Shrewsbury borough, had died in January of this year.

C. J., IV. 411.

²⁶⁷ John Glyn, since May, 1643.

(who have lain in his custody a long time), at his great charge, he having had no allowance at all for them since the time of their commitment.

For the easement of your petitioner's future charge; and forasmuch as Captain William Fortescue²⁶⁸ (a gentleman of quality) offers to give good security to transport to Barbadoes as many of them as the justices of peace in the said county shall think fit to permit, so that this kingdom shall be troubled with them no more, most of them being able young men, and fit to do that country service, who (if they be detained in prison till the next quarter sessions) will be discharged in course, their crimes being but for petty things as aforesaid, whereby the country on their release will be in danger of greater mischief done by them.

He therefore most humbly beseecheth your Lordships, as well for the easing of the charge in their keeping, as for the kingdom's good and safety in their removal from hence, who else might prove dangerous if any sudden accident should happen (which God forbid), to be pleased to recommend it to any two justices of peace of the said county, to examine the premises, and, finding them to be true, to give order for their present releasement, upon security to be taken for their transportation to the Barbadoes Islands, for the services aforesaid.

And your petitioner shall pray etc. THO. DEVENISH. (*L. J.*, VIII. 222.)

Mar. 21, HL. A message was brought from the House of Commons, by Mr. Charles Rich:²⁶⁹

I. They agree to the ordinance for continuance of the ordinance for foreign plantations, and to the adding of those Lords sent down to them; and that Mr. Solicitor General may be added to the said committee in the room of Mr. Pym, and Mr. Alexander Rigby in the room of Mr. Spurstowe.

Agreed to, and ordered to be printed. . . .

It is this day ordered and declared, by the Lords and Commons assembled in Parliament, that all clauses contained in one ordinance of both Houses of Parliament, dated the 2 November, 1643, whereby Robert Earl of Warwick is constituted admiral and governor in chief of all the foreign plantations planted by the English and other his Majesty's subjects, and divers members of both Houses of Parliament are constituted commissioners, to join in aid and assistance with them, for ordering the affairs of the said plantations, do continue in full force, any former ordinance notwithstanding: And it is further ordered, that the Earl of Northumberland, the Earl of Nottingham, the Earl of Salisbury, the Earl of Denbigh, the Lord Dacres, and the Lord Bruce, members of the House of Peers; and Mr. Solicitor General, Mr. Alexand'r Rigby, Sir John Clatworthy, Mr. George Fenwick, Mr. Salwey junior, Mr. Purfrey, Mr. Francis Allen, Mr. John Ash, Mr. Prideaux, Sir Henry Mildmay, Mr. Recorder Glynn, Mr. Snelling, Sir Philip Stapilton, and Sir William Waller, members of the House of Commons; be added to the commissioners named in the said ordinance; which members of both Houses so

²⁶⁸ One of the early settlers of the islands, and for some time member of the council. *New England Historical and Genealogical Register*, XXXIX. 143; Davis, *Cavaliers and Roundheads of Barbados*, p. 145.

²⁶⁹ *C. J.*, IV. 482.

added are to have the same power as the other commissioners formerly named. (*Ibid.*, p. 225.)²⁷⁰

Mar. 24, HL. To the Right Honourable the Lords and Commons assembled in Parliament.

The humble petition of the merchantes, owners of shippinge, seamen and fishermen of the porte of Plymouth.

Sheweth that the fishinge trade for the Newfoundland before this destructive warre was the seminarie of seamen, and cheefe supporte of trade in these partes, that your petitioners haveinge by the blessinge of God obtained some relaxation from their hostile imployments, and desirous to revive the said trade are soe much discouraged by the insolencies and oppressions of Sir David Kirke knt.,²⁷¹ a notorious malignant and others the planters in the said Newfoundland, who detayninge the principall places for fishinge, burninge their stages, and traine fattes, takinge away their salte boates, and other necessaries. settinge up of tavernes and tipplinge houses whereby the seamen are much deboysed and threatninge the laste fishinge season to seize your petitioners shippes for the kinge beinge rebels as hee the said Sir David tearmed them, contrarie to lawe and his Majesties commission graunted anno 1633 for the well governinge of the inhabitantes of Newfoundland aforesaid, as appeares by the annexed.²⁷²

May itt therefore please your honours to give order for the bringinge home of the said Sir David Kirke to annswere the premisses, and to take such course for the protection of your petitioners for the future in their said fishinge trade as to your honours shall seeme moste expedient, and they shall pray etc.

BARTH: NICHOLL, Maior

PHILIP FRANCIS

CHRISTOPHER CEELY

HUGH CORMSHE

RICHARD TAPPER

JNO. ALSOP

JOHN PAIGE Jun.

RIC. SPURWELL

HUMFREY PARNACOTT

WILLIAM GEFFERIE

THO. CEELY

WILLIAM ANDREW

ROBERT GUBBES

WILLIAM BYRCHE

MOYSES GOODYEARE

JOHN PAIGE

JOHN MADOCK.

(MSS. H. of L.)²⁷³

²⁷⁰ The ordinance is printed also in Husband, *Collection*, pp. 829-830; Firth and Rait, *op. cit.*, I. 840.

²⁷¹ In 1637 Charles I. granted Newfoundland to the Duke of Hamilton, Kirke, and others, with powers of absolute lords and proprietors. The patent is printed in substance in Prowse, *History of Newfoundland*, pp. 143-144. Kirke came to the country in 1638 and proceeded to enjoy his monopolies and was thereafter in continual controversy with the English fishermen, who had opposed his charter. Kirke was a Royalist and in 1651, following the appointment of a commission to inquire into the government of Newfoundland, he was ordered to return to England. He died in prison a year or two later. *Ibid.*, pp. 141-162; Beer, *Origins*, pp. 293, 370; and numerous references in *Acts P. C. Col.*, I., and in *Cal. St. P. Col.*, 1574-1660.

²⁷² No paper is now annexed to the petition. This evidently refers to a copy of the regulations for the government of the Newfoundland fisheries, made through the Star Chamber in 1633. Printed in Prowse, *op. cit.*, pp. 154-155.

²⁷³ Endorsed: "24 Martii 1645. Plymouth." A petition of similar wording was presented by the merchant adventurers of Plymouth to the Council of State, about 1650. Printed in *Winthrop Papers*, Mass. Hist. Soc., *Collections*, fifth ser., I. 499-500.

Mar. 24, HL. Upon reading the petition of the mayor of Plymouth and others: it is ordered, to be referred to the committee for foreign affairs, to relieve the petitioners according to justice. (*L. J.*, VIII. 234.)

1646.

Mar. 28, HL. Report was made this day from the committee of Lords and Commons for foreign plantations; *videlicet*,

Whereas, by an order of the Lords House, dated the 25th day of December last,²⁷⁴ it was referred to the committee, to prepare an ordinance of Parliament, for the settling of the government of Maryland, and for the indemnity of those that shall act therein; the draught of an ordinance was accordingly agreed upon this day, which the Earl of Warwick is desired to present, from this committee, to the House of Peers.

The said ordinance was twice read publicly at the table; and ordered to be committed to these Lords following: *Comes* Northumb, *Comes* Lyncolne, *Comes* Warwick, *Comes* Kent, *Comes* Manchester, *Ds.* Robertes, *Ds.* Wharton, *Ds.* Maynard.

Any two, to meet on Monday morning next, at nine of the clock. (*Ibid.*, pp. 241-242.)

Mar. 31, HL. To the right hono'ble the Lords in Parliament assembled.

The humble petition of Thomas Cornwaleys Esqr

Humbly sheweth, that whereas yo'r petic'r about a yeare and a halfe since did in London deliver to Richard Ingle m'r of the ship called the *Reformation*, severall parcells of goods and wares amounting to the value of 200 *li.* to trade and in trust for yo'r petic'r but the said Ingle contrary to the trust reposed in him by yo'r petic'r, did sell and dispose of the said goods and wares to his own use, for recovery whereof yo'r petic'r hath brought his action at lawe against the said Ingle. But the said Ingle upon a petition prferred unto yo'r Lo'ps upon suggestion and pretence that the said goods were justly taken from yo'r petic'r by force of warr in the province of Mariland hath procured the order hereunto annexed from yo'r Lo'ps whereby yo'r petic'rs suit at lawe is stayed untill yo'r Lo'ps have heard said cause.

That yo'r petic'r wth his counsell hath at his great charge attended severall daies for hearing the said cause, and on Teusday the 17th of this instant March the same comeing to hearing before yo'r Lo'ps, yo'r Lo'ps were pleased to appoint Friday the 27th of this instant March to determine the same at w'ch day yo'r petic'r againe attended wth his counsell, but the said Ingle upon the said false suggestion having obteyned the stay of yo'r petic'rs suit at lawe did not attend according to yo'r Lo'ps order but doth now neglect to prosecute his said petition knowing the same to be faigned and untrue and in the meane time is gone or doth indeavour to get out of the realme, whereby yo'r petic'r is likely to loose the benefit of his action at lawe.

²⁷⁴ See p. 171.

The humble suit therefore of yo'r petic'r is that yo'r Lo'ps would be pleased to appoint a peremptory day for the speedy hearing of the said cause, yo'r petic'r being altogether unable to beare the great charge of attendance wth counsell yo'r petic'r being spoyld of all his goods and ruyn'd of his estate by the said Ingle: or to take off the said restraint from yo'r pet'r and to leave him to his liberty at lawe, the same being only for such goods as were delivered by yo'r petic'r or by his directions to the said Ingle heere in London as aforesaid by way of trade or trust.

And yo'r petic'r shall daily pray etc. THO: CORNWALEYS. (*Arch. of Md.*, III. 170-171.)²⁷⁵

Mar. 31, HL. Ordered, that the cause between Ingle and Cornwallis shall be further heard this day fortnight, at which time both parties are to attend. (*L. J.*, VIII. 247.)

Apr. 14, HL. This day being appointed for the hearing of the cause between Ingle and Cornwallis; at the desire of the plaintiff Ingle, it is ordered, that the cause shall be put off until this day fortnight, at which time parties on both sides, with their counsel, shall attend; and then the witnesses of Mary Ford shall be heard against Cornwallis: and because the cause was put off from hearing this day, Cornwallis being ready with his counsel, this House will give the defendant damages accordingly, if it shall be thought fit at the hearing. (*Ibid.*, p. 270.)

Apr. 25, HL. To the right honourable the Lords nowe in Parliament Assembled

The humble petition of Mary Ford widdow.

Sheweing that haveing petitioned your Lordships against Thomas Cornwallis concerning his stealing away of her children and carrying them away into Maryland and seduceing them to popery and divers other fowle misdemeanours committed by him,²⁷⁶ and the matter haveing bin one day heard by counsell on both sides at the barr and severall witnesses examined, and it being of great consequence that the rest of the proofes be heard; and for that the said Thomas Cornwallis keepes secret lodgings that she knowes not where to finde him, but heareth that he hath procured an order for hearing of another cause before your Lordships upon the 28th of this instant Aprill.

She most humbly beseecheth, that the same 28th of Aprill may be appointed for hearing and determining of the matters of her said petition against the said Thomas Cornwallis, and that hers may be heard first, least when his is past he obscure himselfe, and soe those great crimes be left unpunished, and the petitioner unrecompenced for her dammage and sufferings in the losse of her children, and that your Lordships be pleased that notice thereof being left with his attorney may be a sufficient serving of him.

And your petitioner (as in duty bound) shall pray etc. (MSS. H. of L.; *Arch. of Md.*, III. 171.)²⁷⁷

²⁷⁵ A copy of the order of Feb. 24, *ante*, is annexed. The petition is calendared in the Hist. MSS. Comm., *Sixth Rept.*, App., p. 109. For earlier references to this dispute see pp. 172-174, 178.

²⁷⁶ See entry of Mar. 3, *ante*.

²⁷⁷ Endorsed: "25 April 1646. Mary Ford." Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 113.

Apr. 25, HL. Ordered, that the cause between Mary Foord and Cornwallis shall be heard on Tuesday next; and then the cause between Ingle and Cornwallis to be heard the same day. (*L. J.*, VIII. 283.)

Apr. 28, HL. Ordered, that the cause between Mary Foord and Cornwallis, and likewise the cause of Ingle and Cor'wallis, shall be heard the 15th day of May next, by counsel on both sides. (*Ibid.*, p. 288.)

May 15, HL. Ordered, that the cause between Cornwallis and Ford and Ingle shall be heard, at this bar, on Wednesday come sevensnight. (*Ibid.*, p. 315.)

May 22, HL. To the Right Honourable The Lords in Parlyament Assembled

The humble petition of Capt. Thomas Cornwaleys

Humbly sheweth that whereas your petitioner haveing beene stopped in his proceedings at law agaynst Richard Ingle marriner (to which hee was referred for redres of the great wrongs done him by the said Ingle, from the honourable committee of the Admirallty) by order from your Lordships upon complaynt of the said Ingle, for the cleereing whereof your petitioner hath by appoyntment attended with his counsell many dayes to his great charge, and all most utter undoeing, and beeing by order of the 15th of this instant May appoynted to attend agayne on Wensday the 27: which beeing the fast day²⁷⁸ your petitioners humble suite is that your Lordships would bee pleased to appoynt some other day for the peremptory heareing thereof, or that it may bee referred to bee reported to your Lordships by any whom you shall please to appoynt eyther of this honourable house, or of counsell to both sides or bee agayne dismissed to law, your petitioner giveing in evydens for nothing but goods delivered in trust to the said Ingle heere in London; your petitioner beeing utterly unable longer to support the charge of counsell and witnessses toe attend your Lordships: and your petitioner shall ever pray etc.

THO: CORNWALEYS (MSS. H. of L.)²⁷⁹

May 22, HL. Ordered, that the cause between Foord and Cornwallis, as likewise the cause between Ingle and Cornwallis, shall be heard on Thursday next.²⁸⁰ (*L. J.*, VIII. 324.)

July 15, HL. Upon reading the petition of the governor and company of the adventurers of the city of Westm'r, for the plantation of Providence, Henrietta, and adjacent islands, lying on the coasts of America: That they, having received great losses by some Spaniards in those parts, desire that they may have leave to have letters of reprizals, against the ship *S'ta Clara*,²⁸¹ and the Spanish goods, and the proceed thereof, whereby they may be enabled to sue in the Admiralty Court upon their case, that the suit may there proceed to proofs or judgement, according to the course of law.

²⁷⁸ The monthly fast, appointed to be kept on the last Wednesday of every month. *L. J.*, V. 326.

²⁷⁹ Endorsed: "22 Maii 1646. Cornewallis vs. Engle." Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 117.

²⁸⁰ The hearings were further postponed to June 11, July 2, 9, and Oct. 16. *L. J.*, VIII. 336, 369, 406, 424.

²⁸¹ See entry of Aug. 26, 1642, and note, p. 138, *ante*; *Cal. St. P. Dom.*, 1641-1643, p. 435; 1644-1645, p. 224. Cf. Newton, *Colonising Activities of the English Puritans*, pp. 264-265, 307-308.

It is ordered, that this House grants this petition; and to desire the concurrence of the House of Commons therein. (*Ibid.*, p. 434.)

July 24, HL. A message was sent to the House of Commons, by Doctor Heath and Mr. Page:

6. To communicate to them the petition of the governor and company of the adventurers for the plantation of the islands of Providence, Henrietta, and the adjacent islands lying in America; and this House granting the prayer and desire of the petitioners, that they may have leave to have letters of reprizals against the ship *S'ta Clara*, and the Spanish goods, and the proceed thereof, whereby they may be enabled to sue in the Admiralty Court upon their case, that the suit may there proceed to proofs or judgement, according to the course of law.

The concurrence of the House of Commons is desired herein.²⁸² (*Ibid.*, p. 443.)

July 30, HL. Upon reading the petition of Randall Mainwaringe, Nath. Hawes, George Payne, and others; desiring, to have letters of mart or reprisal granted them, to be repaired for their losses and damages sustained by the Spaniard, out of the money deposited with the Parliament, which was produced out of the *S'ta Clara*.

It is ordered, to be recommended to the House of Commons.²⁸³ (*Ibid.*, p. 446.)

Aug. 14, HL. The Earl of Warwicke presented another report and ordinance from the committee of Admiralty, concerning foreign plantations; which being read, it was agreed to. (*Ibid.*, p. 465.)

Aug. 14, HL. A message was sent to the House of Commons, by Doctor Aylett and Doctor Heath:

2. To desire concurrence in the ordinance concerning foreign plantations. (*Ibid.*)

Aug. 19, HC. A message from the Lords, by Doctor Aylett and Doctor Heath;

The Lords have commanded us to bring you this paper from the committee of Lords and Commons of the Admiralty and Cinque-Ports two other papers from the same committee the other concerning foreign plantations for the merchant-adventurers: to which they desire your concurrence; and that the last, which concerns the plantations, may be printed. (*C. J.*, IV. 648.)

Aug. 19, HC. An ordinance concerning foreign plantations, this day sent from the Lords, was this day read the first and second time; and, upon the question, committed unto the committee of the navy. And it is ordered, that it be reported on Thursday next come sevennight.²⁸⁴ (*Ibid.*)

Oct. 16, HC. An ordinance for advancing our forrain plantations they to be custome free and to be free to set wheare they²⁸⁵ so that only in English ships. (*Add. MSS.* 10114, f. 21.)²⁸⁶

²⁸² The *Journals* of the House of Commons make no reference to this message.

²⁸³ See p. 138, note 142, *ante*; *Cal. St. P. Dom.*, 1644-1645, p. 224. The *Commons Journals* contain no reference to the petition. See also, pp. 198, 286, *post*.

²⁸⁴ There is no report entered in the *Journals* before Oct. 16.

²⁸⁵ *Sic*.

²⁸⁶ "Memorandum book of John Harington, M. P. for Sommersetshire in the Long Parliament and the second Parliament called by Cromwell, March 1646 to November 1653." *Cat. Add. MSS.*, 1836-1840, p. 13.

Oct. 16, HC. Mr. Greene reports the amendments to the ordinance concerning foreign plantations: the which were twice read.

The proviso, being put to the question, amended, was assented unto, upon the question.

The amendments were assented unto, upon the question.

Then the ordinance, with the amendments and proviso, upon the question, passed; and is ordered to be carried to the Lords for their concurrence. (*C. J.*, IV. 695.)

Oct. 16, HC. Ordered, that the letter from the grand assembly in Virginia, of 17 Martii 1645, be referred to the committee for foreign plantations: who are to give an answer thereunto, if they shall see cause; or report it to the House. (*Ibid.*)

Honorable Sir

The great comforte and releife which have flowed to us from the honorable howse of Commons in theire admittance and encouragement by a gracious immunities of customes of the London merchantes to continue theire supplies to this colloney, especiallye in a time when through the malicious suggestions and instigations of some false members of our owne bodie there was cause to suspend if not to withdrawe there favor from us, must bee ever had in memorie by us as an act of singuler Christianitie, without respect (beyond that badge) what either wee or our merites had ben: but the further grace wee then received by intimation in your honorable letters of the 18th of October 1644, by command of that honorable howse that all sequestrations in that kingedome of the goodes of all planters and others of Virginia weare taken off,²⁸⁷ is the perticuler obligation of this collony which with all humblest gratitude wee acknowledge.

The like compliyanse required from us in affordinge of trade to the London merchant[s], and in givinge them free admission to our courtes of justice hath ben inviolable observed by us. And Sir we cannot but acquaint you with the result of those favors which wee have received from the honorable howse, for which wee bless God Almightye

That the great salvage kinge²⁸⁸ the bloudie contriver of the treacherous massacre of our people, is now either not at all, or at least soe abandoned by his people, and they soe rowted slayne and dispersed, that they are noe longer a nation, and what wee now suffer under is rather a robberie from a few starved outlawes then a warr; and wee doubt not by Gods assistance within one yeere more, to roote out those few that are left of this cursed generation.

Wee present theise humble lines to you by one Mr Henrie Bishopp²⁸⁹ who hath formerlie served the kinge in theise unhappy warrs of England, but now a member of our collony, and soe actuallie engaged by plantation and servantes upon the place; his estate for former actions lyinge under sequestration; wee humbly desire, that now upon his retorne, and retirement to peace, and from all actions of hostile ententmentes against the Parliament your honor would bee pleased (as you have ben hitherto the instrument of those favors wee have enjoyed from the honorable howse) to oblige us further in this one perticuler case (beyond which wee shall not presume to intercede) to move the honor-

²⁸⁷ See entries of Aug. 26 and Oct. 16, 1644, p. 156.

²⁸⁸ Opechancanough. Wertenbaker, *Va. under the Stuarts*, pp. 89-91.

²⁸⁹ Bishop in 1640 entered 1200 acres on the south side of the James River. In 1660 he was commissioned postmaster general of England, and served three years. (Neill, *Virginia Carolorum*, p. 192 n.; *Cal. St. P. Dom.*, 1660-1661, p. 209.) The sequestration of his lands was removed Feb. 13, 1646/7 (see p. 187, *post*).

able howse, as our humble sute in behalfe of this gentleman, that all sequestrations maie bee taken off his estate theare, the better to ²⁹⁰ his intentes and desires of strengtheninge his plantation with people, and the supply of those already seated. Soe Sir wee humbly take leave and rest

Your most humble servantes

SAM MATHEW

THOMAS STEGGE ²⁹¹

RICH. KEMP

RI. BENNETT

NATH. LITTLETON

THO. WILLOUGHBY

HENRY BROWNE

GEO: LUDLOWE

RICH. MORYSON

From the Grand Assembly in Virginia

17 March 1645

(MSS. H. of L.) ²⁹²

Nov. 10, HC. He [Sir Robert Pye] returned likewise to the Lords, the amendments to the ordinance concerning plantations: and was to desire their concurrence thereunto. ²⁹³ (C. J., IV. 718.)

Nov. 24, HL. The ordinance concerning foreign plantations, with the amendments brought from the House of Commons, was read, and committed to these Lords following: *Comes* Manchester, *Comes* Warwicke, *Comes* Lyncolne, L. Viscount Say and Seale, *Comes* Sarum, *Comes* Kent, *Comes* Mulgrave, *Ds.* Mountague, *Ds.* Wharton, *Ds.* Hunsdon, any three. (L. J., VIII. 576.)

Nov. 24, HL. The Earl of Warwicke brought into this House an ordinance concerning Marylande in America; which was read, and approved of, and ordered to be sent down to the House of Commons by the next message. ²⁹⁴ (*Ibid.*)

The Lords and Commons nowe in Parlyam't assembled being informed by the commissioners for forraigne plantations, that many of the inhabitants of Maryland in America have petitioned against the oppressions they have undergone under the tyrannicall goverment of that province, since its first settling by recusants, whoe have not only seduced but forced many of his Ma'ts subjects from their religion, and that the said commissioners had considered of the letters patents graunted by his Ma'tie in the [e]light yeare of his raigne to Cecill Calvert baron of Baltimore concerning the said Mary land, and of his deputing of Leonard Calverte to bee governor there under him, whoe received a commission from Oxford to seize such persons, ships and goods as belonged to any of London, which the said Calvert and his agents registered and proclaymed in Virginia, and endeavoured to execute in Maryland, and that one Brent,

²⁹⁰ Manuscript defective, one word illegible.

²⁹¹ The names of Moryson and Stegge do not appear in the published lists of members of the assembly for this year. Stegge was speaker in the session of 1642/3. Hening, *Statutes*, I. 239.

²⁹² Endorsed: "The Governour of Virginia touching Mr. Bishop. 17 Marcii 1645. Referred to the Committee of Forraigne Plantations." With the letter is a copy of the order of Feb. 13, 1646/7, discharging Bishop from his delinquency. This letter is calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 158. It is also imperfectly printed in Neill, *op. cit.*, pp. 191–192.

²⁹³ L. J., VIII. 559.

²⁹⁴ This ordinance, printed below, was not passed. Nor does it seem to have been received by the Commons.

the deputy governor had actually seized upon a ship employed under the Parlyament, because shee was of London, and then tampered with the ships company to take an oath against the Parlyam't and to carry the said ship to Bristoll then in hostility against the Parlyament: ²⁹⁵ the said Lords and Commons taking the same into consideration doe order ordaine and declare, that the said Cecill Calvert lord of Baltimore hath wickedly broken the trust reposed in him by the said letters patents, and that it is convenient and necessary that the said letters patents bee repealed and made voyde, and doe hereby repeale the same accordingly and order and ordaine that the said Cecill Calvert and Leonard Calverte the said governor by him appointed, and the said Brent the deputy governor, and all other officers of the said Calverts appointment bee removed and displaced; and that the said commission'rs for forraigne plantations doe take care according to the trust in them reposed to nominate and appoint an able governor and other fitt officers of the Protestant religion and well affected to the Parlyament to hold and execute the said respective offices and places in the roome and stead of the said Cecill Calvert Leonard Calvert [] Brent and other the ministers hereby removed and bee it ordayned that aswell the said newe governor, and all other officers soe to bee appointed, and made in all things that they shall acte and doe by vertue of this ordinance, and all other persons that they shall employ under them, or any of them in pursuite of this ordinance, shalbee for ever protected and defended by the power and authority of both howses of Parlyament, and shalbee enabled to exercise and use (in case of opposition) all acts of force and hostility, and such other power and meanes as they shall finde convenient, and necessarie for the said premisses, and according to such instructions and directions either speciall or generall as shalbee given and directed by the said commissioners for forraigne plantations. (*Arch. of Md.*, III. 173-174.) ²⁹⁶

Nov. 28, HL. Upon reading the petition of the Lord Baltimore, desiring to be heard before any resolution be taken concerning his patent about the plantation at Maryland.

It is ordered, that he shall be heard, by his counsel, at this bar, on Tuesday come three weeks. (*L. J.*, VIII. 582.)

Nov. 30, HL. Ordered, that the defendants shall have a copy of the Lord Baltimore's petition; and the cause to be heard on both sides on Friday next. (*Ibid.*, p. 584.)

1646/7.

Jan. 11, HL. Upon the desire of the Earl of Carlile, to have leave to go to the Caribe Islands: ²⁹⁷ it is ordered, to be referred to the committee for foreign affairs; to state the business of the Caribe Islands, and report it to this House. (*L. J.*, VIII. 664.)

²⁹⁵ The case of the *Reformation*. See entry of Feb. 24, *ante*, p. 172.

²⁹⁶ From the Lords MS. Journals, p. 142. Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 142.

²⁹⁷ Granted to Carlisle in 1627.

Jan. 21, HL. A message was sent to the House of Commons, by Sir Edward Leech and Mr. Page:

To put them in mind of the message sent down to them, concerning the petition of the governor and adventurers to the islands of Providence and Henrietta, etc. the 24th of July, 1646. (*Ibid.*, p. 681.)

Jan. 23, HL. Next, the ordinance for the foreign plantations was read, with the alterations as came from the House of Commons, and agreed to with those alterations. (Here enter it.)

Ordered, that this ordinance shall be printed and published.

Whereas the several plantations in Virginia, Bermudas, Barbados, and other places of America, have been much beneficial to this kingdom, by the increase of navigation; and the customs, arising of the commodities of the growth of these plantations imported into this kingdom, have been and are beneficial, that all such as have traded there (for their better encouragement) have used to transport from hence thither merchandize, goods, and necessities, for the better carrying on of the said plantations, without paying any custom for any goods so exported from hence thither: The Lords and Commons assembled in Parliament, for the better advancement of the said plantations, and encouragement of the adventurers to the same, have ordained, and be it ordained by the said Lords and Commons, that all merchandizes, goods, and necessities, which shall be for the supportation, use, and expence, of the said several plantations, shall or may be exported thither, from this kingdom, by any of the subjects thereof, without paying or yielding any custom, subsidy, taxation, imposition, or other duty, for the same, the duty of excise excepted,²⁹⁸ during the space of three years, except unto the plantations in Newfoundland: provided, that from time to time, as any such merchandize and goods be endeavoured to be exported for the use aforesaid, security be first given to the commissioners and officers of the customs where such goods shall be laden, that the said merchandizes and goods, so to be exported by virtue of this ordinance, shall be really transported to the said foreign plantations, and to no other place, and there to be employed for the only use of the plantations; and that certificates shall be returned from thence, within one year after the landing thereof, of the ship's arrival and discharge in the said foreign plantations.

And for that there is great want of servants in the said plantations, as well for the raising of commodities apt to be produced there, as for defence of themselves from being made a prey to the natives or foreign enemies; be it further ordained, by the said Lords and Commons, that it shall be lawful for any person or persons, subjects of this kingdom, to entertain and transport from hence, into the said several plantations, such persons, being fit to serve or advance the trade there, as shall be willing to serve or be employed in the said several foreign plantations: provided, that the names of all such persons, so to be transported to serve in the said plantations, be first registered in the custom-house; and that neither force be used to take up any such servants, nor any apprentices

²⁹⁸ Concerning the excise see William O. Scroggs, "English Finances under the Long Parliament", in *Quar. Jour. Econ.*, XXI. 481.

enticed to desert their masters, nor any children under age admitted without express consent of their parents: and provided also, that certificate within one year be returned, from the governor or other chief officer of such plantation where such persons shall be put on shore, of the arrival of the said persons there, that no fraud be used to carry any such persons to any other place.

Provided always, that none of the said plantations do suffer or permit any ship, bark, or vessel, to take in any goods of the growth of the said plantations from any of their ports, and carry them to any foreign parts and places, except in English bottoms: and in case any of the said plantations shall offend herein, then the plantation so offending shall be excluded from the benefit of this ordinance, and shall pay custom as other merchants do to France, Spaine, Holland, and other foreign parts. (*Ibid.*, p. 685.)²⁹⁹

Jan. 23, HL. Ordered, that the cause of the Lord Baltimore shall be heard the 23th of February next; and that the examination of witnesses taken in the Admiralty concerning the business of Maryland be read, and allowed at the hearing of the Lord Baltimore in the Lords House; and that Tho. Stagg³⁰⁰ and James Baldridge,³⁰¹ and Captain Francis Pott, be commanded to attend this House, as witnesses, the 28th of February, being the day of hearing. (*Ibid.*, p. 685.)³⁰²

Feb. 2, HL. Ordered, that Mr. [] West shall have a pass, to go into Virginia. (*Ibid.*, p. 697.)

Feb. 8, HC. Resolved, etc. that, upon the earnest desire of the colony of Virginia, signified in a letter from the grand assembly in Virginia, of 17 Martii 1645, Henry Bishopp, of Heanfeild in the county of Sussex, esquire, be discharged from his delinquency, and from the sequestration of his estate personal and real, according to the particular thereof delivered in, under the hand and oath of the said Henry Bishopp:³⁰³ and the sequestration of the estate of the said Henry Bishop is hereby fully discharged, and taken off: and all committees, and their officers, are to yield obedience thereunto.

The Lords concurrence to be desired herein.

Ordered, etc., that the committee to whom the letters from Virginia, concerning Henry Bishopp, was referred, do prepare a letter to be signed by Mr. Speaker, to acquaint the colony with the votes of this House, passed, upon their desire, for taking off the delinquency and sequestration of the said Henry Bishopp. (*C. J.*, V. 78.)

Feb. 10, HC. Mr. Rigby carried to the Lords, for their concurrence, an order for taking off the delinquency and sequestration of Mr. Henry Bishop, upon the earnest desire of the colony of Virginia. (*Ibid.*, p. 83; *L. J.*, VIII. 718.)

²⁹⁹ The ordinance is printed also in Firth and Rait, pp. 912-913.

³⁰⁰ One of the commissioners sent in 1651 by the Council of State to reduce Maryland.

³⁰¹ Commissioned sheriff of St. Mary's County in 1637. *Arch. of Md.*, III. 61.

³⁰² See also *ibid.*, p. 179.

³⁰³ See entry of Oct. 16, *ante*, p. 182.

Feb. 13, HL. The Earl of Warwicke reported from the committee, the ordinance for discharging the sequestration of Henry Bishopp; and they think it fit to pass as it is.

Hereupon it is read, and agreed to. (Here enter it.)

Ordered, by the Lords and Commons assembled in Parliament, that, upon the earnest desire of the colony of Virginia, signified in a letter from the grand assembly in Virginia, of 17 *Martii*, 1645, Henry Bishopp, of Henfeild, in the county of Sussex, esquire, be discharged from his delinquency, and from the sequestration of his estate personal and real, according to the particular thereof delivered in under the hand of the said Henry Bishopp; and the sequestration of the estate of the said Henry Bishopp is hereby fully discharged and taken off; and all committees and their officers are to yield-obedience thereunto. (*Id.*, IX. 13, 14.)

Feb. 23, HL. Ordered, that the cause of the Lord Baltimore shall be heard this day fortnight; and Doctor Walker and Mr. Bradshaw is assigned to be of counsel with the state and the merchants, against the Lord Baltimore. (*Ibid.*, p. 32.)

Feb. 25, HL. Ordered, that the committee for the foreign plantations shall make report of the business referred to them from this House, concerning the Carribe Islands, on Monday morning next. (*Ibid.*, p. 35.)

Mar. 1, HL. Ordered, that the report concerning the Carribe Islands . . . shall be read to-morrow morning. (*Ibid.*, p. 43.)

Mar. 2, HL. The Earl of Warwicke reported from the committee for foreign plantations, the state of the Carriby Islands, which was read. (Here enter it.)

A declaration of this House, dated the 5th of September, 1645,³⁰⁴ concerning the right of the Earl of Carlile to the Carriby Islands, was read. The question being put, whether the Earl of Carlile shall have a pass to go to the Carribe Islands? It was resolved in the affirmative. . . .

To the Right Honourable the Committee for Foreign Plantations.

The humble petition of William Latham and eighty other creditors of the Earl of Carlile;³⁰⁵

Sheweth, that your petitioners have, about two years since, obtained a decree in chancery against the now Earl of Carlile, for the debts due unto them by his said father; and as yet no satisfaction given them.

Forasmuch as they are informed that the said earl intends to transport himself to the island of Barbadoes, which will be the utter undoing of your petitioners;

They therefore humbly pray that they may be admitted to shew cause before this honourable committee, why the said earl ought not to pass beyond sea.

And they shall pray, etc.

The brief State of the Case for the Creditors of the Earl of Carlile, concerning the Islands of Barbadoes.

King Charles, by letters patents, dated 2 *Junii*, 3 *Car.* grants to James Earl of Carlile the region or country called the Charibee Islands, with general words, etc.

³⁰⁴ See entry of Sept. 3, 1645, p. 168. The Lords transacted no business on Sept. 5.

³⁰⁵ As the main body of this report will show, the date of this petition, as well as the one following from the merchants and planters of Barbados, is Jan. 8.

4 April. 12 Carol. James Earl of Carlile, by lease and grant of the reversion, grants and assures the premises, *inter al.* to Sir James Hay, Archibald Hay, Richard Hurst, and their heirs, upon trust, to permit the earl, and such as he should appoint, to receive the profits for his life; and, after the death of the earl, that the trustees and their heirs should employ such monies, rents, and profits, as could be raised thereby, or by lease or sale of any part thereof, for the payment of all the debts of the said earl; and that after, the surplusage and residue of the said premises should come and be conveyed to the use of James Lord Doncaster, and to his heirs. This appears by deeds enrolled.

The Earl of Carlile was indebted to Mr. Latham and others, by judgements, bonds, and otherwise to tradesmen, above twenty-five thousand pounds, and died intestate, possessed of a personal estate of five thousand pounds value.

James Earl of Carlile took administration of the goods of his father. The debts were not paid. The creditors, who are many of them poor, and ready to starve for want of payment of their debts, after many delays and treaties, preferred a bill in chancery against the earl and the trustees, to have the trust performed and debts paid. After answers, whereby the trustees were confessed, and after many delays, and after examination and proof of the debts, after several hearings in a court; a decree, May and November, 20 Car. that the islands should be employed, according to the trust, for payment of the earl's debts; and the earl was ordered to pay four thousand six hundred eighty-one pounds, eighteen shillings, being assets in his hands.

That the earl was served with the decree; and, in contempt, petitioned the Lords in Parliament, who were pleased to stay proceedings, and make a committee to consider thereof. They met, and directed counsel to treat; which is done, but nothing done thereupon. The earl endeavours to go beyond sea, as governor of the islands; and thereby it will be in his power to divert the whole profits to what use he pleaseth; and all the profits received from many years are not yet accounted for, but are to be accounted for before a master of the chancery, and to go towards payment of debts.

It is humbly desired, that the Earl of Carlile may not have any leave or countenance to go to the islands; but that such sequestrators or others, as the court of chancery hath or shall direct, may have liberty and power to manage the affairs of the island, and to return the profits, for satisfaction of the creditors, according to the order and decree.

The truth hereof appears by the deed enrolled, and the decrees enrolled, and other orders and proceedings in that court.

To the Right Honourable the Committee of Lords and Commons for Foreign Plantations.

The humble petition of the merchants and planters adventuring to the island of Barbadoes, whose names are subscribed;

Shewing, that the island of Barbados, in the West Indies, was either totally, or at least principally, planted and settled by the petitioners and such as they employed, and at their great hazards, costs, and charges; and being now, by God's blessing, brought to some maturity, so that as well this kingdom may reap some considerable benefit by the customs and trade from thence, and the petitioners receive some recompence towards the charge and expence by them sustained, if the same be carefully managed, and a right government settled, and peace and quietness maintained; but, on the contrary, the whole plantation would in likelihood perish, if disorders should there arise, and that the planters and people there, instead of labouring the ground, and employing themselves about the fruits there growing, should be vexed and troubled by suits or quarrels.

For prevention thereof, the petitioners do humbly beseech this honourable committee, in respect they understand that there are several claims made several ways to the propriety, revenue, or government of the said island, to be pleased so to look upon the petitioners and their charge, as that their tenure of their lands may in the first place be settled in free and common soccage, by such speedy means as the wisdom of this honourable committee will please to direct; and also to hear the petitioners to offer their reasons touching the manner of the government, as may best stand with the quiet of the place; always submitting themselves to the order and direction of this honourable committee:

And they shall pray, etc.

THOMAS ANDREWES.	THOMAS WALKER.	MICHAELL SPENCER.
ELIAS ROBERTS.	JOHN WEBSTER.	STEPHEN THOMPSON.
MAURICE THOMSON.	NICHO. BUTLER.	JAMES COOKE.
JEREMY BLACKMAN.	RICH'D LEE.	LAWRENCE CHAMBERS.
ROB'T WILDING.	THOMAS WALKLINGE.	MARTIN NOELL.
THO. PEADE.	THO. FREERE.	THO. COOKE.
ROGER PEELE.	WM. PENNOYER.	JOHN VINCENT.
GEORGE PASFEILD.	RIC'D BATSON.	HENRY WILLIAMSON.
JAMES WHITE.	JOHN WORSAM.	HENRY QUINTYNE.
JOHN ROWE.	MICHAEL DAVISON.	

Die Sabbati, 28 Februarii, 1646.

At the Committee of Lords and Commons for Foreign Plantations.

Whereas, by an order of the House of Peers, dated 11th January last past, it was, upon the desire of the Earl of Carlile to go to the Charibee Islands, referred to this committee, to state the business of the said islands, and afterwards to make report to the said House:

In pursuance thereof, it is represented by this committee unto the said House of Peers, that, by an ordinance of Parliament, dated the 2 of November, 1643,³⁰⁶ and since confirmed and ratified by an order of both Houses, dated 21 March, 1645, the providing-for, ordering, and disposing-of all things requisite for the governing, securing, strengthening, and preserving of the English plantations in America, and the appointing of subordinate governors, counsellors, commanders, etc., is referred to the Earl of Warwicke, as governor in chief and lord admiral of the said plantations, and to certain commissioners of both Houses of Parliament therein named.

That, in pursuance of the said power, the said governor in chief and commissioners did, about November, 1643, pass several acts under their hands and seals, for exempting the inhabitants of the Charibee Islands from all taxes and common charges, other than what should be necessary for the support of the government, and defraying the public occasions of the islands; as also for the authorizing of them to choose their respective governors (with reference to their approbation by the said governors in chief and commissioners), and to oppose the admittance of any other governor, not authorized by the said governor in chief and counsellors, that should be obruded upon them, or that should exact any taxations other than what is before mentioned.³⁰⁷

They did at that time, in like manner, appoint several governors, for the islands of Barbados, Christopher's, Mevis [Nevis], Montserratt and Antegua, inviting the said inhabitants to submit to the Parliament's obedience, with promise of protection and encouragement.

³⁰⁶ See pp. 147, 176.

³⁰⁷ *Cal. St. P. Col.*, 1574-1660, p. 252.

But the said inhabitants have not by any act of theirs testified, or in any kind declared to this committee, their submission to the Parliament; but, instead thereof, Christopher's and Montserrat have admitted the Earl of Marleborough, in opposition to the Parliament's authority; and the rest of the said islands have remained at least neutral.⁸⁰⁸

That the said governor in chief and commissioners did, 27 March, 1646, second their former invitation, by letters to the governors and council of Barbados, Mevis, and Antegua, and S'ta Cruce, reciting and renewing the offers of privilege before mentioned. They did also issue a commission for examining of some grievances in the Barbados, and a grant of immunity to the inhabitants thereof from molestation by any ceremony or imposition in the matter of God's worship; and at the same time authorized some masters of ships to assist such in those islands as should declare for the Parliament, and to deny trade with such as had fallen to the enemy. But such reception of the said particulars was given at the Barbados, that the party intrusted with conveyance of the said letters returned back those directed to Mevis, Antegua, and S'ta Cruce; and to that delivered at the Barbados, an answer directed to the Earl of Warwicke, from the governor and council thereof, was a few days since received, being as followeth:

Right Honourable,

By ours of the 19th of May, 1644, your Lordship received answer of yours of the first of December, 1643; likewise of a second of yours, of the first of December, 1643; with which letters we received an ordinance of Parliament, dated 2 *Novembris*, 1643, by which your Lordship was constituted governor in chief and lord high admiral of the English colonies in the West Indies; unto all which we did conceive we had given a full and satisfactory answer, which we manifested by our humble deportments, and in not receiving the commission brought by the Earl of Marleborough from his Majesty, and in giving all favourable and friendly reception unto all merchants and seamen which arrived here from any of the Parliament's ports: since which, we received a declaration of Parliament, dated 3 Sept. 1645, by which the Earl of Carlile was confirmed in all his rights and titles given him by former letters patents. We are now, by your Lordship's letters, dated 27 March, 1646, founded on the first ordinance, revived the 21th of March, 1645, commanded to that obedience, which, for the reasons given in our former answer, we could not then wholly submit unto, and since much more disabled, by reason of a general declaration of the inhabitants, subscribed by every parish, wherein they express their several resolutions, not to receive any alteration of government, until God shall be so merciful unto us as to unite the king and Parliament; which declaration was occasioned by intelligence received here of commissions that were to be sent both from his Majesty and the Parliament; in which necessitated strait, we humbly desire that our wants of exact obedience to your last commands may not give offence unto your honour.

My Lord, we believe we have given many arguments of our respects to your Lordship in particular; and shall be always ready to shew ourselves obedient to all commands from the honourable Houses of Parliament that may be consistent with our safety; and as our consciences acquit us from all demerits, so we hope God and your justice will protect us from all evil threatened us.

My Lord, we conceive it needful to give your Lordship satisfaction concerning a commission brought to us, bearing date the 27th March, 1646, attested

⁸⁰⁸ Beer, *Origins*, pp. 351, 355. See p. 152, notes 197, 198, concerning Marlborough.

by your honour and other Lords, and some members of the House of Commons, being a committee appointed by the high and honourable Houses of Parliament, which the bearers pretended to give liberty of conscience in matters of religion; but, on perusal thereof, we find only an exemption from having any ceremonies or human constitutions obtruded upon them in the worship of God; all which liberty, before and since the receipt of the said commission, every man hath here freely enjoyed: and if any man here have suffered (minister or lay), either by deprivation, banishment, or imprisonment, it hath been for preaching blasphemies or heresies, or for maintaining or promulgating known errors in the fundamentals of faith.

We humbly desire your Lordship, that the rest of the committee may be certified of these truths; as likewise that your honours will be pleased to give a favourable construction to the honest and loyal Intentions of

Your Honour's

Most humble Servants,

PHILLIP BELL

CHRISTO. CODRINGTON.

THO. GIBBS.

WM. KIRTON.

GEO. BOYER.

BEN. BERINGER.

BARBADOS, Le

Octob. 1646.

To the Right Honourable Robert Earl of Warwicke. Present these.

That, on the 8th of January last, William Latham, in behalf of himself and eighty others of the Earl of Carlisle's creditors, did, by petition to this committee, set forth, that the said creditors had two years since obtained a decree in chancery against the now Earl of Carlisle, for the debts due to them by his late father; and pray, that, forasmuch as they are informed the said earl intends to transport himself to the Barbados (which, as they alledge, will be their utter undoing), they may be admitted to shew cause why the said earl should not pass beyond sea; and on the 20th of January last, they presented to this committee their case more particularly in writing, and set forth some grants of the late Earl of Carlisle, whereby the Charibee Islands are assured to certain persons on trust, that, after the said late earl's death, the monies, rents, and profits, raised thereby, should be employed for payment of all his debts, amounting to above twenty-five thousand pounds; and the overplus to the now earl, administrator of his said father's estate: which trusts were also confirmed in chancery; by the decree whereof, the said islands are to be employed according to the said trust: with which decree being served, the said earl addressed himself to the House of Peers, where the matter is still depending, as by the said paper is more largely set forth.

That, on the 20th of January last, the proceedings of this committee in reference to the said islands, and the said creditors petition and case, were ordered to be delivered to the Earl of Carlisle; with a desire, that his Lordship would give such answer thereunto as he should see cause, and also state in writing his interest in the said islands, if he should think fit: to which his Lordship returned an answer in writing, the 8th of February instant, being as followeth:

To the Right Honourable the Committee of Lords and Commons for Foreign Plantations.

Having received, by your Lordships directions, a copy of an order of the House of Peers, bearing date the 11th day of this instant month of January, whereby it is referred to this committee, to state the business of the Charibee Islands; as also an abstract of an ordinance of Parliament, bearing date 2 Nov. 1643, whereby the Earl of Warwicke is constituted governor in chief, and

divers others members of both Houses commissioners, for the English Plantations in America, and likewise a breviate of the proceedings of this committee thereupon; and the copy of a petition referred to you by the creditors of my late father, and in reference to them a case stated concerning the said islands; and being desired by your Lordships order to give you an answer in writing to all the premises, I shall present you with these ensuing considerations:

1. King Charles, by his letters patents, bearing date the 2d day of June, 3 *Car'l.* did grant to James Earl of Carlisle, my late father, and his heirs, all that region, country, or province, commonly called the Charibee Islands, and, by express words, did appropriate the governorship and chief command of the same, and the propriety to and in the soil itself, to my said father and his heirs, with all perquisites, profits, and royal franchises whatsoever, in as ample manner as the country palatine of Durham, in the kingdom of England, at any time hath been held or enjoyed.³⁰⁹

2. Whereas your Lordships hath been troubled with the petitions of my said late father's creditors, and, to give them satisfaction (I presume), do desire me to state the case upon the islands; I shall be bold to let you know, they have brought me into acquittance with the courts of Westm'r Hall, and, through the irregularity of their proceedings, have enforced me to appeal to the House of Peers, where now the cause and all the transactions thereof is depending; and for that it is a cause of particular interest and propriety, I conceive, upon perusal, of a late order of Parliament, bearing date the 14 of April, 1646, it will appear to be a thing not proper nor worthy of your consideration.

3. And for the ordinance of Parliament that is mentioned, and the proceedings thereupon, I conceive it was never intended I should be prejudiced thereby in my inheritance; but rather receive assistance and protection by it, against the Earl of Marleborough, or any other persons, who by commissions from the king did or might disturb me in my government and possessions.

And give me leave to put your Lordships in mind, that, by a latter ordinance, bearing date the 13 day of February, 1644,³¹⁰ I am invested and settled in all my lands, possessions, and inheritances, in what place soever; which gives me occasion to desire that I may take the trouble off from your Lordships, and go in person to the plantations. J. CARLISLE.

That, on the 8th of January last, divers merchants, and the planters adventuring to the Barbados, did, by petition directed to this committee, set forth the said island to be totally, at least principally, planted by them; and being now brought to maturity, and understanding that there were several claims made to the property, revenue, and government, they pray that the tenure of their lands there may be settled in free and common soccage; and that their reasons may be heard touching the manner of the government, which may most stand with the quiet of the place; a copy of which petition was, on the 8th of February instant, ordered to be delivered to the Earl of Carlisle, who was desired to give or send in writing such answer thereupon to this committee as his Lordship should see cause: to which his Lordship did this day return answer, as followeth:

To the Right Honourable the Committee of Lords and Commons for Foreign Plantations.

Having received the copy of a petition directed unto your Lordships, intituled, "The humble Petition of the Merchants and Planters adventuring to

³⁰⁹ Durham was the model of the proprietary colony. *Quicquid rex habet extra, episcopus habet intra*, ran the motto of the law.

³¹⁰ An ordinance for the discharge of Carlisle's delinquency. *L. J.*, VII. 192.

the Island of Barbadoes"; and being desired to return my answer to the same: I do humbly say, that the ground which they pretend by their petition is the very same which moveth me to take my voyage to those islands; (*videlicet*,) to have a right government continued there, and to maintain peace and quietness amongst the inhabitants. And for their supposition that several claims are made to the propriety, revenue, and government, of the said islands, I understand no right that is claimed or pretended to the same, in derogation of my estate; only the creditors of my late father may claim an interest to the present profits arising in those islands, which I do allow, and shall endeavour to confirm, until their just debts be fully satisfied.

But for the petitioners desire to have their reasons or propositions heard, concerning such manner of government as they shall prescribe to have established there; as hitherto they have had no cause to complain of the present government under the managery of my deputies, nor are to be my judges therein; so to the future, I shall be ready to receive from them any discreet advertisement touching the same; and, as I do esteem their good and mine reciprocally involved each in the other, I shall endeavour impartially to maintain and improve the same.

J. CARLISLE.

All which this committee doth submit to the consideration of the said right honourable House of Peers.

By command of the said right honourable committee. W. JESSOP, Sec.

Die Lunae, 1 Martii, 1646.

At the Committee of Lords and Commons for Foreign Plantations.

Upon reading and consideration of a petition from the planters and adventurers to the island of Barbados, directed to this committee, and this day read; they praying thereby, that the Earl of Carlisle's going to the Charibee Islands may be suspended:

Ordered, that it be reported to both Houses of Parliament, as the opinion of this committee, that the going of the Earl of Carlisle to the Charibee Islands will tend to the disturbance thereof, the hindrance of trade, and the discouragement of the planters, and will endanger the defection of the planters from the Parliament: and it is further ordered, that, together with this report, there be presented to both Houses the state of the said islands, and of this committee's proceedings, both in reference to them and to the said Earl of Carlisle: and it is referred to the Earl of Warwicke to make report hereof to the House of Peers; and to Mr. Rigby, Mr. Bond, and Mr. Allen, or one of them, to make report thereof to the House of Commons. W. Jessop, Sec. (*Ibid.*, pp. 49-53.)³¹¹

Mar. 4, HC. The humble petition of the planters of, and adventurers to, the island of Barbados, and the Caribbee Islands, in the West-Indies, was this day read: and likewise an order of the committee of Lords and Commons for foreign plantations, of Monday the first of March 1646: and it is ordered, upon the question, by the Commons assembled in Parliament, that this petition of the planters and adventurers to the Barbados

³¹¹ See also Hist. MSS. Comm., *Thirteenth Rept.*, App. 1 (*Portland MSS.*, vol. I.), p. 412.

and Caribbee islands; and likewise the report from the committee for foreign plantations; be referred to the consideration of the members of this House that are of the committee for foreign plantations: who have power to send for the Earl of Carlisle's patent, whereby he claims any interest in or to the foresaid islands, or any of them; and, upon consideration of it, to state the powers, and the interest, and the whole matter of fact, upon his claim thereto; where the said earl may be heard, if he think fit: and to consider of the ordinances that place the power of the ordering of the said islands in a committee of Lords and Commons; and likewise of the ordinances and propositions that put inability upon all such as have been delinquents to have any place of trust; and, upon consideration of all, to report the whole matter of fact to the House; with their opinions, what is fit to be done in these matters referred unto them.

It is further ordered, that the said earl do not, in the mean time, depart the kingdom until the further order of this House:³¹² and that Mr. Marten, Mr. Robinson, Mr. Bond, Mr. Scawen, Mr. Holles, Mr. Walther Longe, Sir Tho. Dacres, Colonel Thompson, Mr. Wheeler, Mr. Lawrence, Mr. Dacres, Mr. Boone, Mr. Greene, Mr. Clarke, and all the lawyers of the House, be added to this committee, as to this business: and are to meet upon it to-morrow, at two *post meridiem*, at Sir Abraham Williams' house: and have power to send for parties, witnesses, papers, and records. (*C. J.*, V. 105-106.)

Mar. 4, HL. A petition of Cecill Lord Baltimore, was read. (*L. J.*, IX. 56.)

Mar. 4, HL. To the right honourable the Lords in Parliament assembled.

The humble petition of Cicill Lord Baltemore.

Sheweth that whereas there is an ordinance dependinge in this howse for repealinge of his pattent of Maryland, uppon which place hee hath ingaged the greatest parte of his fortune.

That as hee hath heard and supposes, it is for some actions pretended to bee done by others under him there, but hee doth not yet knowe the perticulars of the chardge intended to bee layd against him, nor whoe are his accusers.

That betweene March and June next there is expected as is yearely usuall a returne of shippes from those partes, by some of which shippes hee expectes some persons to returne, whose testimonies may bee necessary for his justification.

Wherefore hee humbly prayes that this honourable howse wilbee pleased to order, that hee may have the perticulars of his chardge delivered to him in writinge, and that hee may have a convenient tyme afterwarde given him to prepare for his defence in a busines which soe neerely concerns his inheritance, and that the ordinance may in the meane time bee suspended till hee bee heard.

³¹² The Lords, two days before, ordered a pass to be given Carlisle to go to the islands (see p. 187).

And your petitioner shall pray etc. C: BALTEMORE (MSS. H. of L.)³¹³

Mar. 4, HL. Upon reading the petition of divers merchants of the city of London, trading to Virginia and other the English plantations, against the Lord Baltimore:

It is ordered, that the petitioners shall bring in a charge in writing against the Lord Baltimore on Saturday next. (*L. J.*, IX. 57.)

Mar. 4, HL. To the right honorable the Lords in Parlyament assembled.

The humble petition of divers marchants of the citty of London, trading to Virginia and other the English plantations

Sheweth that whereas an ordinance is depending, and hath past this honourable Howse for the making voide and repealing of the letters pattents graunted to Cecill Lord Baltimore of the province of Maryland neere to Virginia, for the reasons exprest in the said ordinance.

And whereas upon two or three petitions of the said Lord Baltimore unto this honourable Howse, that hee might have a hearing of his cause, there hath been severall dayes appointed for him to bee heard at this barr by his Councell.

Nowe forasmuch as the said Lord Baltimore and his agents, have not only acted horridd things in that province, as papists and enemyes, but alsoe have binn interest[ed] in a comission which tearmes the honourable Parlyament, rebells, and to sease the estates of Londoners, which hath bin soe cleer to the comitty of plantations, as may render an opinion that his petitions are rather heere presented to protract and delay time, then truely to obtaine a hearing, and this bussines is not only of publicke concer[n]ment to this comonwealth, but to all the planters and traders, into those parts of Virginia and Maryland.

Your petitioners doe therefore most humbly pray that the said ordinance may bee sent to the Howse of Comons according to your honors first intent.

And the petitioners shall ever pray etc.

MAURICE THOMSON

THO. DEACON

WM. PENNOYER

WM. THANNS (JHONNS)

RICH. CHANDLER

WM TRAVERS

RICHARD GLOVER (FLOUERS)

RICHARD PHILLIPS

THO. GOWER

OLIVER POBERY (CLOBERY)

JAMES ISSTRY (STETRY)

GEO. FLETCHER

ROBT. LEWELLAN

THO: JANORCIJE

ANTHONY PENNYSTON

RICHD. ALLEN

CHARLES GALLEY (CULLEY)

JOHN WHITE

(MSS. H. of L.)³¹⁴

³¹³ Endorsed, "4 Mar. 1646. Lo: Baltimore". Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 162. The petition, from the House of Lords MS. Journals, is printed in *Arch. of Md.*, III. 180.

³¹⁴ Endorsed: "4 Martii 1646. Petition of the London merchantes trading to the Plantations. Dt. 8 feb. 1646." Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 162. Printed, also, from House of Lords MS. Journals (p. 162), in *Arch. of Md.*, III. 181; variations in the names of the signers as there printed are given above in parentheses.

1647

Apr. 16, HL. Ordered, that Captain Forrest shall have a pass, to go to the isle of Sterlinge,⁸¹⁵ in New England. (*L. J.*, IX. 141.)

May 13, HC. Ordered, etc. that the committee for foreign plantations be revived; to sit on Tuesday next, in the usual place: and have power to sit *de die in diem*, as they shall see occasion, to proceed in the business concerning the Earl of Caerlisle's letters-patents. (*C. J.*, V. 171.)

July 10, HL. A message was sent to the House of Commons, by Doctor Heath and Mr. Hakewill:⁸¹⁶ . . .

4. To recommend to them the petition of the adventurers of the isle of Providence. (*L. J.*, IX. 325.)

July 16, HC. Ordered, that the petition of the governor and adventurers of the isle of Providence be read and taken into consideration on Monday next. (*C. J.*, V. 247.)

July 16, HC. Ordered, that the humble petition of Wm. Sayle⁸¹⁷ and Wm. Golding,⁸¹⁸ concerning the business of the Summer-Islands, be referred to the committee to whom the consideration of the business concerning the Earl of Carlisle, in reference to the Barbado-Islands, was referred. (*Ibid.*)

Oct. 14, HL. To the Right Honourable the Lords assembled in Parliament.

The humble petition of William Pennoyer.⁸¹⁹

Humbly shewing that your petitioner and divers others planters at Barbados whoe are erecting sugar workes there, which are likely to prove very usefull and beneficiall in the advancement of navigation trade and the customes of this kingdome, and tend to the imployment of many thousands of people in these affaires, have advice from thence, that the plantation stand in great need of drawing horses and oxen for the mills, without which a very great quantity of sugar is likely to perish and bee lost, and for wante of grinding: all which would tend to the great losse of the said plantation and navigation of this kingdom.

Your petitioner humbly prayeth that it will please your Lordships to appoint your petitioner by ordinance of Parliament directed to the commissioners of customs, to send forth 120 naggs and 40 steeres from any

⁸¹⁵ April 22, 1635, the council for New England granted to Sir William Alexander, "the island of Matowack, or Long Island, to the west of Cape Cod, to be hereafter called the Isle of Sterling". *Cal St. P. Col.*, 1574-1660, p. 204.

⁸¹⁶ This message was received by the Commons, July 12. *C. J.*, V. 241.

⁸¹⁷ Councillor and for many years governor of the Bermudas. Later, he was governor of the colony which resulted in the foundation of Charleston, S. C. The nature of this petition is not disclosed. Goulding and Sayle went to England in 1645 to lay the grievances of the Puritan party before the company and Parliament. Sayle also claimed title to Eleuthera by grant from Parliament. Lefroy, *Memorials of the Bermudas*, I. 622-623, 638, II. 10-12.

⁸¹⁸ Goulding took an active part in the secession of the Independents in January, 1643/4. A biographical notice of his career is given in Lefroy, *op. cit.*, I. 703-704.

⁸¹⁹ Also "Penoyre", a London merchant, to whom frequent licenses were granted for similar shipments. *Cal. St. P. Col.*, 1574-1660, pp. 329, 379, 409.

the ports of this kingdom, for the supply of the said plantation by bill of store as useally for New England.

And your petitioner shall pray.³²⁰ (MSS. H. of L.)

Oct. 14, HL. Upon reading the petition of Wm. Pennyor: it is ordered, that he shall have liberty to send to the Barbados one hundred and twenty nags, and forty steers, from any ports of this kingdom, for the supply of the said plantation: provided, that there be security given, that the said nags and steers shall be sent to the Barbadoes, and no other parts. (*L. J.*, IX. 482.)

Oct. 23, HC. Ordered, that, on Friday morning next, . . . the petition and papers concerning the isle of Providence; be read, and taken into consideration. (*C. J.*, V. 340.)

Oct. 23, HL. To the Right honourable the Lords in Parliament assembled.

The humble petition of Maurice Thomson and Company.

Sheweth that your petitioners having plantations at Barbadoes where they are erecting sugar workes, and other manufactures, which are likely to prove very beneficiall to this kingdome, in the advancement of navigation, and trade. And being in want of cattle for to worke in their suger mills, have bought in Virginia about one hundred oxen, and sent shipping to carry them to the Barbadoes.

But fearing least any hindrance should happen in their free transportation

Your petitioners humbly pray, that your Lordships would be favourably pleased (by an order of this honourable House) to commaund the governour of Virginia, to permitt the said cattle to bee freely transported, without any lett, or molestation.

And they shall ever pray etc.³²¹ (MSS. H. of L.)

Oct. 23, HL. Upon reading the petition of Maurice Thomson and others; shewing, that, they having plantations at Barbadoes, where they are erecting sugar works, and other manufactures, which are likely to prove very beneficial to this kingdom, in the advance of navigation and trade; and being in want of cattle, for to work in their sugar mills; have bought in Virginia about one hundred oxen, and sent shipping to carry them to the Barbadoes; but fearing lest any hindrance should happen in their free transportation:

It is ordered, that the governor of Virginia shall permit the said cattle to be freely transported, without any lett or molestation. (*L. J.*, IX. 491.)

Oct. 30, HC. Ordered, that the reports and petitions of Colonel Randall Manwaring, and others, and concerning the isle of Providence, be taken into consideration on Tuesday morning next, the first business, after the reports from Goldsmiths-Hall. (*C. J.*, V. 346.)

³²⁰ The petition is unsigned, and is endorsed: "14 Oct. 1647. William Pennoyer. Exped." Attached is a draft of the order in accordance with the prayer of the petition; see *Journal* entry following. Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 202.

³²¹ There is no signature to the petition. Endorsed: "22 Octobr. 1647. Maurice Tomson. Exped." Calendared in Hist. MSS. Comm., *Sixth Rept.*, App., p. 203. For an account of the cattle trade at this time in Virginia see Bruce, *Econ. Hist. Va.*, I. 298.

Nov. 1, HC. The humble petition of Randall Manwaring, Nath. Hawes, George Payne, and others, concerning the ship *Elizabeth*, taken in the year 1637 by eleven sail of the Spanish West-India fleet, desiring reparation by letters of reprisal against the ship *Santa Clara*, and proceed thereof, was this day read. (*Ibid.*, p. 347.)

[*Nov. 1*], HC. To the right Honourable the Lords and Commons in Parliament assembled.

The humble petition of Nath'll Hawes, George Paine and others sheweth That the shipp *Elizabeth* her tackle, furniture and lading valued att 12,000 *li.* belonging to Joseph Hawes merchant and company goeing on a trading voyage to Virginia, was abowte 250 leagues short thereof surprised and taken by eleaven sayle of the Spanish West India fleete all under the command of one generall in the yeare 1637 wherof 4 were galeons of the kings the rest merchant ships, who shared the goods among them barbarously abused the marriners and pasengers and carryed the said shipp into Spayne and there detayned her unto this day. That the said Hawes prooved his loss in Spayne and in the Admiralty of England and had certificate thereof to his Majesty and the Lords of his Privy Councell, was favoured with letters to the Lord Aston and afterwards to Sir Arthur Hopton when they were respectively embassadors in Spayne who indeavoured his satisfaction with the state butt could procure no reall retribution as by the copies of the said certificate and letters may more at large appeare: since which time Joseph Hawes formerly of good estate (by the said loss utterly undonn) dyed in prison, and Randall Mainwaring, Nath'll Hawes and George Payne now petitioners to this honourable House (left ingaged in severall greate sumes of money for him) as next of kindred have taken out letters of administration and in December 1642 (by warrant out of the Admiralty) arrested certaine plate money and merchandize ariveing at Southampton in the shipp the *St. Clare* which were laden into her out of the Spanish West India fleet in which were divers shippes and men that were in the fleet that robbed the *Elizabeth* and made the aforesaid depradation, both which fleets now sett out by the same authority and for the same use and porpose. After which arrest made by your petitioners and some others (by order of the honourable House of Commons heerunto annexed) 50,000 *li.* was deposited in the hands of the Parliament instead of bayle to answere those accounts by the aforesaid goods and the goods in ther property weare released.³²² And in pursuance of the said arrest your petitioners have made a cleare proove that not only the judge of the Admiralty but they who tooke the defence of the suite upon them against your petitioners doe acknowledge that the takeing of the said shipp *Elizabeth* was a manifest and most shamefull depradation and that your petitioners ought to have repayre for the same which the said judge must needs affirme if hee bee thereunto required notwithstanding all which the said judge (forasmuch as the moneys aforesaid remaine deposett in the hands of the Parliament and for that the satisfaction of your petitioners out of this money is conceived to bee matter of state) doth deferr to give sentence for that

³²² See *ante*, p. 138, note 142. For other references to the *Elizabeth*, see pp. 100, 101, 105, 114, 116, 286.

the supream power hath not hetherto declared that the goods arrested are in poynt of state lyable to make your petitioners satisfaction. In tender consideration of all for as much as your petitioners have used in Spayne all meanes requisitt by lawe and posible against the persons of those that made the depredation and cannot obtayne justice and have no possibillity of being repayd but by that supream power to which they are subject. And forasmuch as that power not only by the lawes of this relme but by the lawe of nations may releive oppressed subjects by letters of marque being the only and usuall remedy afforded in cases of this nature.

Your petitioners most humbly praye and beseech this honourable Houses [*sic*] assembled to take ther case into your serious consideration and to graunt letters of marke or reprisall to your petitioners to bee repaied of ther said losses and damages out of the money deposited in the Parliment that so your petitioners who have beene most unjustly spoyled by the Spaniards and as unjustly denyed restitution may by the justice of this honourable assembly [*secure*] recompence as the law will give them, when the supream power of this kingdome shall have decreed the letters of marke or reprizall to your petitioners.

And your petitioners (as in duty) shall continue to pray for this honourable assembly. (MSS. H. of L.)³²³

Nov. 1, HC. The humble petition of the governor and company of adventurers of the city of Westminster, for the plantation of the island of Providence, Henrietta, and the adjacent islands, lying upon the coasts of America, was this day read. And

It is ordered, that this petition, and the whole matter depending upon it, be referred to the Court of Admiralty. (C. J., V. 347.)

Nov. 1, HC. To the right Honourable the Lords and Commons in Parliament assembled.

The humble petition of the governor and company of adventurers of the city of Westminster for the plantation of the iland of Providence, Henrietta, and the adjacent ilands being upon the coasts of America,

Shewing that the said governor and company having been incorporated by letters patents of the fourth of December³²⁴ and full power granted to them in all ilands not in the possession of any Christian prince or state betweene 290 and 310 degrees of longitude and between 10 and 20 degrees of northerly lattitude

They did with the expence of many thousands of pounds about the yeare 1630 settle a plantation upon the iland of Providence aforesaid (being within the said grant) the better to advance the trade and navigation of this kingdome there. That afterwards haveing received injurys and oppressions by some Spaniards in those parts, they did by his Majesties licence for righting themselves and better settling the said plantation sett out one Captain Newman with a shipp called the *Providence*, who retorning towards England in the yeare 1638 laden with goods to the use of the petitioners to the value of 30,000 *li.* etc. was in or aboute December 1638 upon the coast of England viz. about two leagues off of

³²³ This is a copy annexed to a petition presented by Hawes and Payne in 1660, p. 286, *post.* Hist. MSS. Comm., *Seventh Rept.*, App., p. 141.

³²⁴ 1629.

Dungeness, being within the teretorys jurisdiction and chambers of the crowne of England unduly assailed and sett upon by a Dunkers-man of warr belonging to the serjeant majore of the towne and surprised and carried to Dunkerk, part of the English being slayne and some wounded and others carried in prisoners to Dunkerke.

This being not onlie a manifest infringement of the treaties, but an excessive violation of the territorys chambers and preveledge of the crowne of England to have the shippes goods and persons of the English subjects so spoyled and pyratically taken upon the English coast and carried away by the Dunkerker, was resented by his Majesty and a charge given to the English resident at Bruxills³²⁵ to demand repaire and satisfaction according to the articles of the treaty and rules of justice, after which his Majesty wrote his own letters express to the Infante Cardinall³²⁶ to the same effect. And yett after a long fruitless attendance noe satisfaction could hetherto bee gotten, nor justice obtayned.

So that all circumstances haveing beene duly observed that by the lawes of nations use to proceede the graunting of letters of reprizall, and there being the proceede of the shipp *Sta. Clara* being Spanish goods remaining deposited in the hands of the Parliament and some order or direction given for, the same shall stand and remaine as baile to such as have cause of action.

The petitioners humbly beseech the honourable House to graunt them speciall letters of reprizall against the said shipp *Sta. Clara* and the Spanish goods and the proceede thereof whereby they may bee enabled to sue in the Admiralty Courte upon there case, that the suite may there proceede to proofes and sentance or judgment according to the course of lawe and right bee duly administered to all partyes according to the rules of justice and lawes of nations.

And your petitioners shall ever pray. (MSS. H. of L.)³²⁷

Nov. 1, HC. Ordered, that the aforesaid petition of Randall Manwaring, Nath. Hawes, George Payne, and others, be referred to the consideration of the committee for foreign affairs; to state the matter of fact to the House; together with their opinions, what they think fit to be done in this business. (*C. J.*, V. 347.)

Dec. 16, HL. A report from the judge of the Court of Admiralty was read, concerning the ship *Providence*, taken by the Dunkerkers. (Here enter it.)

Next, an ordinance was read, for the relief of the owners of the said ship; and agreed to, and ordered to be sent to the House of Commons for their concurrence.

May it please this Honourable Assembly,

In obedience to the order of the honourable House of Commons, of the first of November last, annexed, I have taken into consideration the petition of the governor and company of the city of Westm'r, for the plantation of the island

³²⁵ Sir Balthazer Gerbier.

³²⁶ Ferdinand, the representative of Philip IV. in Flanders.

³²⁷ A copy, annexed to the petition presented by Nathaniel Hawes and George Payne in 1660, p. 286, *post*. Calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 142.

of Providence, and the whole matter depending upon it, referred to the Court of Admiralty: and I find it clearly proved, by depositions of witnesses, formerly taken upon oath in the court aforesaid, and now shewed unto me, that the ship *Providence of London* (whereof Thomas Newman was captain) having been set out to the West Indies, by the said governor and company, at their charges, and returning homeward from thence, *in anno* 1638, richly laden, for their accompt, was, in her said return, in December, 1638, forcibly set upon, surprized, and taken, by a Dunkirke man of war (whereof one Springlefeild was commander), within two leagues of Dungenesse, upon the coast of England, within sight of Dover Castle, and some of the English slain outright in making defence, and the rest of them stripped by the Dunkirkers, and beaten, and barbarously used; and then both the men, ship, and goods, carried into Dunkirke, and the English there coupled together with ropes, and carried to prison, and put into a dungeon.

And it is likewise proved, that there was aboard the ship, when she was taken, wedges or pigs of gold, and chains of gold and pearl, and indigo, and sarsaparella, and ambergris, and bags of money and plate; so that the Dunkirkers confessed, or were heard to report at Dunkirke, that the ship and lading was worth betwixt thirty or forty thousand pounds sterling.

And I find, by a copy of the letter of Mr. Secretary Cooke's ³²⁸ of the ninth of January, 1638, to Sir Balthazar Jarrbeer, ³²⁹ his Majesty's agent then in Flanders, that copies of those depositions were sent over under the seal of the Admiralty, and a strict order given to demand justice of the then Infant Cardinal, for that insolency and surprizal of the said ship and lading, and abusing and imprisoning the men, which, as appears by the copy of Jarrbeer's answer, was effectually represented, both to the Infant Cardinal and the great officers of justice there; but, no remedy being obtained, a second letter, dated 16 *Februarii*, 1638, was sent from Secretary Cooke to Jarrbeere, to press it further; with directions that he should intimate, that the taking of the said English ship, goods, and persons, upon the English coast, was a manifest infraction of the treaties, and was to be accounted as piracy and spoil committed against justice; and Jarrbeer was thereby required to demand restitution of the captain and men, and also of the ship and goods, or the value thereof, with damages, or, in case of denial, to let them know, that his Majesty could not deny to do his subjects the justice allowed by the treaty; but, no effect issuing thereof, the eighth of March, 1638, his Majesty wrote his own letter to the Infant Cardinal, setting forth this case of Newman's, the tortuous surprizal of the ship and goods upon the English coast by the Dunkirker, the imprisoning and evil-intreating the men; and that he greatly marvelled, that notwithstanding all the instance of his agent by his Majesty's order, that no redress could be obtained; and then prayed the Infant Cardinal to give his resident a favourable dispatch therein.

By all which it appears, that all fair means, requests, solemnities, and circumstances, requisite by the civil law and laws of nations, were long since used, for the requiring of justice, and satisfaction of that barbarous spoil committed, as is suggested in the petition of the governor and company aforesaid, within the chambers belonging to this crown. And for that justice cannot be obtained, as the petitioners state it in their petition; I do humbly conceive, that the remedy that the law of nations prescribeth in this case is, by granting of letters of mart or reprizal; and that such letters of reprizal ought to be

³²⁸ Sir John Coke, secretary of state 1625-1639.

³²⁹ Gerbier.

granted to the petitioners, for recovering satisfaction of their said losses and damages.

But for the manner of the grant, where, and when, and upon what or how, or with what limitations therein to be inserted in these letters of reprizal; I humbly submit it to the honourable House, whether they will not think it meet that the same should be considered of by the Houses of Parliament, or by the committee of Lords and Commons for the Admiralty by direction of the said Houses; and thereupon a warrant to issue, for the making out of such letters; the Court of Admiralty not having power to issue the same.

All which I humbly submit to the wisdom of this honourable assembly. GUIL CLERKE, Judge of the Admiralty Court.³³⁰ (*L. J.*, IX. 577, 578-579.)

Dec. 17, HC. A message from the Lords, by Dr. Aylett and Mr. Eltonhead;³³¹

The Lords have commanded us to bring unto you an ordinance, concerning the isle of Providence, made upon a certificate from the Court of Admiralty: in which they desire the concurrence of this House.

The ordinance concerning the isle of Providence was this day read the first time.

Ordered, that it be referred to the committee for the Admiralty and Cinque-Ports, and the committee for foreign affairs, to consider of the whole business concerning the isle of Providence; and, upon the view of the treaties between this crown and the crown of Spaine, to state the matter of fact to the House, concerning that business, and the other matters of like nature referred unto them. (*C. J.*, V. 390-391.)

Dec. 25, HC., HL. Ordered, by the Lords and Commons, assembled in Parliament, that any five of the committee for plantations, settled by ordinances, bearing date the second of November 1643, and one-and-twentieth of March 1645, whereof one member of the House of Lords, and two members of the House of Commons, to be present, shall be a quorum, to act according to the powers of the said ordinances.³³² (*Ibid.*, pp. 405-406; *L. J.*, IX. 614, 615.)

1647/8.

Jan. 6, HL. Upon reading the petition of Andrew White,³³³ a priest, who is eighty years of age, and hath lain eighteen months in the gaol at

³³⁰ For further account of the proceedings in this case see Newton, *Colonising Activities of the English Puritans*, pp. 262-265; *Cal. St. P. Col.*, 1574-1660, p. 329; Hist. MSS. Comm., *Fourth Rept.*, App., pp. 60, 79, 83. The ordinance was not passed.

³³¹ *L. J.*, IX, 579.

³³² This order was sent by the Lords to the House of Commons on Dec. 20. *L. J.*, IX. 601.

³³³ Father White, S. J., came to Maryland in the *Ark*, and in his *Relatio Itineris*, written in 1634, gave an account of the voyage and of the new colony. See Hall, *Narr. of Early Md.* (in Jameson's series of *Original Narratives*), pp. 27-45. In 1645 White and Father Copley, his companion, were arrested by Ingle and carried to England. They were tried for being priests and for returning to the country, the penalty for which was death. The Jesuits' defense, that they had been captured and brought to England against their will, prevailed and they were ordered to leave the realm. Upon refusal to go, White was again imprisoned. Following the presentation of this petition he was released, sent to Holland, and later went to Antwerp. He died in England. Hughes, *History of the Society of Jesus in North America*, II. 11-14; Steiner, *Md. during the English Civil Wars*, pt. II., p. 55.

Newgate, being brought out of Maryland into England against his will, and so not within the law of this land:

Upon his desire, it is ordered, that he have liberty to go beyond the seas, and released of his imprisonment; and the concurrence of the House of Commons to be desired herein.

And accordingly a message was sent down to the House of Commons, by Doctor Aylett and Mr. Eltonheade. (*L. J.*, IX. 640.)

Jan. 7, HC. A message from the Lords, by Dr. Aylett and Mr. Eltonhead;

The Lords have commanded us to bring unto you . . . the petition of Andrew White, a Jesuit: which the Lords think fit to be granted . . .

Resolved, etc., that this House doth concur with the Lords in granting the petition of Andrew White, now read; and do order, that Andrew White, a Jesuit, who was brought out of America into this kingdom, by force, upon an English ship; and is now a prisoner in Newgate, be forthwith discharged of his imprisonment: and that he do depart the kingdom within fifteen days after his discharge from his imprisonment.

Ordered, that Andrew White shall have fifteen days time to go out of the kingdom, after the time of his discharge from his imprisonment: and that, upon certificate from the recorder of London, or others, whom it concerns to certify so much, that the said Andrew White is discharged from his imprisonment, that Mr. Speaker do grant a warrant, that the said Andrew White may go out of the kingdom accordingly. (*C. J.*, V. 422.)

Jan. 8, HL. Dr. Aylett and Mr. Eltonheade return with this answer from the House of Commons;

That they agree to these particulars: . . .

6. To the petition of Andrew White to go out of England. (*L. J.*, IX. 643.)

Mar. 13, HC. Ordered, that on Friday next, the House do resume the consideration of affording some encouragement and charity to the inhabitants now in New-England, for the promoting piety and learning in that plantation.³³⁴ (*C. J.*, V. 493.)

Mar. 14, HC. Ordered, that Mr. Henry Lawrence and Captain Westrow be added to the committee of plantations. (*Ibid.*, p. 498.)

Mar. 17, HC. Mr. Nelthorpe carried to the Lords . . . the order for adding Mr. Henry Lawrence and Mr. Westrowe to the committee of foreign plantations.³³⁵

Mr. Nelthorpe brings answer, that the Lords do agree to all the particulars of his message. (*Ibid.*, p. 502.)

Mar. 17, HC. Ordered, that it be referred to the committee of the plantations, to prepare and bring in an ordinance for the encouragement and

³³⁴ See in this connection, Palfrey, *Hist. of N. E.*, II. 186-199. An ordinance was later prepared but its passage was postponed until, in July, 1649, an act was passed creating the Corporation for Promoting and Propagating the Gospel in New England. See pp. 209, 210, *post*; Firth and Rait, *Acts and Ordinances*, II. 197.

³³⁵ In the places of Sir Philip Stapleton and Sir William Waller (*L. J.*, X. 117, 118). On June 21 Lawrence was given leave to go beyond the seas. *C. J.*, V. 608.

advance of piety and learning in the plantation of New-England. (*Ibid.*, p. 503.)

1648.

June 13, HC. Ordered, that the business touching the isle of Providence, which was formerly referred to the committee of the Admiralty, be referred to the committee of foreign affairs: and that the judges of the Admiralty do make their report thereof to the committee of foreign affairs, as he should have done to the committee of the Admiralty.³³⁶ (*Ibid.*, p. 597.)

June 13, HC. Ordered, that Richard Townsend, the carpenter, who made the carriages for the ordnances in the county of Kent, be committed to the prison of Newgate: and that it be particularly referred to the committee appointed to consider of such prisoners as are fit to be transported into foreign plantations, to consider of him amongst the rest: and that the tools, which were taken from him, be sent and delivered in to the stores: and that the committee of the navy do give some recompence to Mr. Hincksman, who apprehended him. (*Ibid.*)

June 16, HL. An ordinance was brought in, for making the planters that are born in New England free denizens of England; and being read twice, was committed to these Lords following: L. Admiral,³³⁷ Comes Manchester, Comes Lyncolne, Comes Pembroke, L. Viscount Say and Seale, Comes Sarum, Comes Mulgrave, Ds. Hunsdon.

Any three; to meet on Tuesday next, *post M.* three.³³⁸ (*L. J.*, X. 325.)

July 8, HC. Ordered, that the committee for prisoners where Colonel Moore hath the chair, be revived, and do meet constantly, *de die in diem*; and take speedy and effectual course for the disposing of the common prisoners, taken in the late insurrections,³³⁹ into the plantations beyond the seas. (*C. J.*, V. 629.)

Aug. 15, HL. To the right honourable the Lords assembled in Parliament.

The humble petition of William Allen and Jo[h]n Heath merchants of London, for themselves and many planters, inhabitants of Virginia

Humbly sheweth that your petitioners have equiped and fitted their twoo ships, the *Honor* and the *Prosperous Susan*, for the transport of many planters their wives childrein and servants for a voiage to the colony of Virginia which to the number of about 400, are now aboard the said ships att Gravesend and ready to depart on the said voiage, haveing (soe many as are able) paid for their passages and fraight of goods according to custome, and the rest given security to pay in Virginia, whereby they have not left wherewith to defray the charge of a longer stay in England, haveing invested the produce of what they brought from the said collony in necessities for the releife and subsistance of their families in the said colloney, without which in due time, their families there may perish.

³³⁶ Pp. 200-202, *ante*.

³³⁷ Robert, Earl of Warwick.

³³⁸ This ordinance was not passed. On the subject of naturalization in the colonies see A. H. Carpenter in *Am. Hist. Rev.*, IX. 288 *et seq.*; Cora Start, in *Am. Hist. Assoc., Annual Rept.*, 1893, p. 319; Joseph Willard in *Mass. Hist. Soc., Proceedings*, 1858-1860, p. 337, with especial reference to Massachusetts.

³³⁹ In Kent and Essex. See also *C. J.*, V. 589, 632, 635.

Now soe it is may it please your honours that your petitioners comming to Gravesend, according to custome and duety to clere their ships there from the customhouse office, they are denyed their dispatches, by reason as they say of a generall stopp and imbargo,³⁴⁰ by which restraint your petitioners are not onely prejudiced 20 *li.* per day, dureing the stay, being obliged to the planters to provide them victualling till their arivall in Virginia, and soe consequently their voiage, to their detriment 1500 *li.* but this kingdom also and the navigation thereof by reason of the Hollanders whoe upon this restraint will and (as your petitioners are informed) have sett out for the said colloney 25 saile of shippes with goods and merchandize, for the supply of that colloney to the detriment of this kingdom (by transporting the comodity of that countrey directly to Holland) in the pointe of custome 1500 *li.* per account besides the losse of 30 saile of shipping, a thing considerable to the navigation thereof.

Your petitioners therefore in consideration of the premises, doe humbly pray your Lordships to give order to the Lord High Admirall to suffer your petitioners ships to passe on their said voiage, and they shall not onely oblige themselves and endeavor to send their shippes by the north of Scotland, or by the coast of France as wind and weather will permitt (shuning the Downes), but as in duety, shall also ever pray etc.³⁴¹ (MSS. H. of L.)

Aug. 15, HL. Upon reading the petition of Wm. Allen and John Heath, merchants of London, for themselves and many planters and inhabitants in Virginia; desiring, they may be permitted to pass on their voyage, with their two ships, to Virginia; and they will oblige themselves, and endeavour, to send their ships by the north of Scotland, or by the coast of France (as wind and weather will permit), shunning the Downes, where the revolted ships lie:

It is ordered, that a letter be written to the Lord Admiral, to give them leave to pass, notwithstanding the embargo; they giving security not to go to the revolted ships. (L. J., X. 440.)

Aug. 21, HC. Ordered, that the ordinance for New-England be read on Friday next.³⁴² (C. J., V. 677.)

Aug. 22, HL. To the right honourable the Lordes in Parliament Assembled.

The humble petition of Edward Gunnell comander of the shipp *Sara* bound for Virginia: John Rand comander of the shipp *Mary and Frances*, William Hutchins comander of the shipp *Elizabeth*, and Robert Scott comander of the shipp *Desire*, bound for Plymouth to take in fish, and then for the Streightes.³⁴³

Humble shew: That your petitioners being freighted and bound as aforesaid, and goeing on their said voyages are by reason of a generall

³⁴⁰ Warwick's policy was to prevent trading with any colonies in sympathy with the king. Because of this embargo and of other conditions favoring foreign trade, the Dutch traded extensively with the colonies. Beer, *Origins*, pp. 352-359.

³⁴¹ No signature. Endorsed: "Wm Allen, John Heath, Merchauntes. Expedited." Calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 45.

³⁴² See entry of Mar. 17, 1647/8, p. 203.

³⁴³ Of Gibraltar.

restraint of shipping detained att Gravesend where they have remained theis 3 weekes to their great charge, and endangering the losse of their voyages.

Now forasmuch as your honours have bee[n] pleased to sett att liberty two shippes bound for Virginia, and three for the Streightes in the like condition with your petitioners: and forasmuch as the commodities for which they traffique are like to bee lost and spoyled to the great damage of the owners, unles they proceed on their voyages:

They therefore humbly pray your honours to give order to the Earle of Warwicke for freeing your petitioners said shippes of the restraint they now lye under, whereby they may proceed on their voyages

And they will ever pray etc. EDWD GUNNELL, JOH: RANDE, ROBERT SKOTT. (MSS. H. of L.)³⁴⁴

Aug. 22, HL. Upon reading the petition of Edw. Gunnell, John Rande, and Rob't Scott; desiring, their ships and goods may be released from the embargo now laid upon them:

It is ordered, that the petition be shewed to the Lord Admiral, to whom it is recommended to give the petitioners relief, as his Lordship shall see may be convenient for the affairs of the public. (*L. J.*, X. 449.)

Aug. 30, HC. An ordinance for encouragement and advance of piety and learning, in the plantations of New-England, was this day read the first time; and ordered to be read the second time, on Wednesday morning next. (*C. J.*, V. 692.)

Sept. 4, HC. Upon Colonel John Moore's report, from the committee to whom the business concerning the disposal of the Scotts prisoners was referred;³⁴⁵

It is ordered, that fourteen days, after the granting of the warrants for transportation, be the time allotted for such as shall contract with the committee, to discharge the several and respective counties of the charge and burden of the prisoners: and that they be enjoined to ship them with all the speed possible: and that they do put in very good and sufficient security for performance of conditions: and power is given to the committee, to give warrants for their transportation, and not returning, at any time, to the prejudice of this kingdom; and to take the security accordingly: and are enjoined, from this House, to take especial care of their security: and that the plantations may be first furnished, and then the service of Venice: and that they that give the best security be first served.

It is further referred to this committee, that the gentlemen of Bristoll, according to their desires, may have liberty to transport five hundred, giving the like good security as others. . . .

Ordered, that Major Stracham, Colonel Weldon, Lieutenant-Colonel Osborne, and Major Dixon, do forthwith repair into Lancasheir, and the several counties where any of the Scotts prisoners are, and in Lancashier: that Colonel Ashton, Colonel Richard Shuttleworth, and Mr. Birch, be

³⁴⁴ Endorsed: "22 Aug. 1648. Edward Gunnell, John Rand, Robte. Scott, Will'm Hutchins, Shippers. Expedited." Calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 47.

³⁴⁵ *C. J.*, VI. 3.

joined with them: that they do search and inquire, which of those prisoners, being common soldiers, were forced men: and such of the common soldiers, as shall appear to have been forced and compelled men, to discharge, in such manner as they shall think fit, upon the place; receiving from the said prisoners respectively an engagement, subscribed by them, that they will never come into the kingdoms of England or Ireland, as soldiers, without the consent of the Parliament of England: and in the other counties, where any of the Scotts prisoners are, the several and respective committees of those several counties are to join with the said Colonel Weldon, Major Stracham, Lieutenant-Colonel Osborne, and Major Dixon; and to inquire, which of those prisoners, being common soldiers, are compelled and forced men: and likewise to discharge such upon the place, in such manner as they shall think fit; receiving from them respectively an engagement, subscribed by them, that they will never come into the kingdoms of England or Ireland, as soldiers, without the consent of the Parliament of England. (*Ibid.*, VI. 5.)

Sept. 4, HC. Ordered, that the petition of Mr. John Jesop,³⁴⁶ formerly sent from the Lords, and now read, be referred to the committee for the Scotts prisoners, to admit him to contract for transportation of prisoners, in like manner as others; provided that he do not transport any of them into Ireland: and he is to give caution to that purpose. (*Ibid.*, p. 6.)

Sept. 6, HC. Ordered, that the ordinance for New-England be read on Friday morning next.³⁴⁷ (*Ibid.*, p. 8.)

Oct. 31, HL. The House received an account this day, that the Scotch prisoners in the two ships mentioned in Colonel Mountgomerie's petition were shipped for the foreign plantations, by order of a committee that are authorized for the same by order of the House of Commons; and that the said persons are all willing to go, and the persons that shipped have cloathed them, and provided all necessaries for them.

Hereupon it is ordered, that the restraint of this House is hereby taken off from the ships, that so they may go to sea with the said prisoners.³⁴⁸ (*L. J.*, X. 572.)

1648/9.

Jan. 9, HC. Ordered, that it be referred to the committee of the navy, to advise with the Admiral, speedily to appoint a convoy for the fishing-ships bound from Dartmouth towards the Newfoundland. (*C. J.*, VI. 114.)

Feb. 13, HC.³⁴⁹ Mr. Scott reports, from the committee appointed to

³⁴⁶ Desiring leave to transport beyond seas companies he had raised. *L. J.*, X. 351.

³⁴⁷ The second reading of this ordinance was further postponed to Sept. 27, Nov. 3, 11, 15, 29, Dec. 4, (*C. J.*, VI. 10, 35, 69, 74, 76, 91). The next year a new act was ordered and passed.

³⁴⁸ On Oct. 20, upon request of the Lord Chancellor of Scotland and the Marquis of Argyll, leave was granted Montgomery to transport these prisoners. On Oct. 28, on the petition of Montgomery, a number of the soldiers who had been shipped without authority were stayed. *L. J.*, X. 555, 556, 558; *C. J.*, VI. 57.

³⁴⁹ This symbol is retained to indicate proceedings in the parliamentary body existing after the abolition of the House of Lords. Although it officially termed itself the "Parliament", its journals are published under the title, *The Journals of the House of Commons*.

nominate a Council of State, and to prepare instructions for the said council, the instructions for the Council of State:³⁵⁰ which were read at large the first and second time: and the said instructions were afterwards, upon the question, read in parts: and every particular instruction, being by itself put to the question, was, upon the question, assented unto; and are in *haec verba*; viz.

3. You are hereby authorized and required to use all good ways and means for the reducing of Ireland, the isles of Jersey, Gernsey, Silly, and the Isle of Man; and all other parts and places belonging to the Commonwealth of England, not yet reduced.³⁵¹

5. You, or any of you, are to use all good ways and means for the securing, advancement, and encouragement of the trade of England and Ireland, and the dominions to them belonging; and to promote the good of all foreign plantations and factories belonging to this Commonwealth, or any of the natives thereof.

14. The power hereby committed to this Council of State shall continue for the space of one year, from the day of passing hereof, unless it be otherwise ordered by the Parliament. (*Ibid.*, pp. 138-139.)

Feb. 26, HC. Ordered, that it be referred to the Council of State, to take care, that some ships be speedily sent for convoy of the fishermen now at Dartmouth, bound for Newfoundland: and that order be given to Captain Moulton, or such other commander of the ships at Portsmouth as they shall think fit, effectually to attend that service.³⁵² (*Ibid.*, p. 151.)

1649.

Apr. 5, HC. Alderman Wilson reports, from the Council of State, the paper of the Spanish ambassador, touching fifty thousand pounds of the Spaniards, taken by the Parliament out of the ship *Sancta Clara*.

Ordered, that it be referred to the Council of State, to take consideration of the whole business; and of the petition of Colonel Manwaring and Huet Leate; and to hear the adventurers to the isle of Providence;³⁵³ and all other persons who make any claim to the said fifty thousand pounds; and report the state of the whole business to the House.³⁵⁴ (*Ibid.*, p. 179.)

³⁵⁰ Immediately after the execution of the king, the House of Lords was abolished, and the creation of the Council of State, to consist of 40 (later raised to 41) members and to act under the authority of the Commons, was ordered. The selections were made on Feb. 14 (*C. J.*, VI. 133, 140-141). Acts continuing the Council were passed Feb. 13, 1649/50, Feb. 13, 1650/1, Nov. 28, 1651, Nov. 30, 1652, Nov. 2, 1653, May 19, 1659, Jan. 2, 1659/60, Feb. 5, 1659/60. *Ibid.*, pp. 364, 534, VII. 45, 223, 346, 659, 801, 852.

³⁵¹ With the exception of New England, the colonies in general refused to recognize the authority of the Commonwealth, and announced their adherence to Charles II. Later, by legislation and through expeditions and commissioners, the colonies were forced to submit. Beer, *Origins*, ch. XII.; Wertenbaker, *Va. under the Stuarts*, pp. 91-114; Steiner, *Md. under the Commonwealth*, pp. 53-58; Davis, *Cavaliers and Roundheads of Barbados*, pp. 185 *et seq.*; Lefroy, *Memorials*, I. 658-675, II. 1-125 *passim*.

³⁵² *Cal. St. P. Dom.*, 1649-1650, pp. 19, 20. There are numerous references to measures taken to protect the Newfoundland fishery by the convoy system; see, for example, *id.*, 1649-1650, pp. 128, 186, 202; 1650, pp. 8, 17; 1654, p. 241; 1656-1657, pp. 561, 571; 1657-1658, p. 435.

³⁵³ See the petition of July 15, 1646, p. 180, *ante*.

³⁵⁴ For the action of the Council of State and final disposition of this matter see *Cal. St. P. Dom.*, 1649-1650, index, especially pp. 21, 51, 66, 72, 317, 425, 493; *C. J.*, VI. 329, 359-360 (pp. 212, 214, *post*).

Apr. 20, HC. Ordered, that the act for New-England be read to-morrow morning. (*Ibid.*, p. 190.)

June 13, HC. An act for the promoting and propagating the Gospel of Jesus Christ in New-England, was this day read the first and second time; and, upon the question, committed unto Colonel Purefoy, Mr. Gurdon, Mr. Myles Corbett, Mr. Reynolds, Mr. Holland, Mr. Baker, Mr. Salwey, Colonel Venne, Mr. Nath. Bacon, Colonel Fielder, Mr. Challener, Colonel Bosseville, Alderman Atkin, Alderman Wilson, Mr. Cawley, Sir Wm. Strickland, Mr. Darley, Mr. Smith, Colonel Wauton, Mr. Christopher Marten, Mr. Bond, Mr. White, Mr. Hallowses, Sir James Harrington, Mr. Garland, Sir Wm. Masham, Sir Wm. Allenson, Lord Howard; or any five of them: who are to meet at two of clock, in the Exchequer-Chamber, this afternoon; and to bring in the said act on Tuesday next.

And the more particular care hereof is referred to Mr. Gurdon, and Mr. Nathaniel Bacon. (*Ibid.*, p. 231.)

June 26, HC. Ordered, that the act for New-England be reported this-day-sevennight, the first business; nothing to intervene. (*Ibid.*, p. 243.)

June 26, HC. Resolved, etc., that an act be brought in, for transportation of some felons, now in Newgate, beyond the seas, by the Lord Mayor and aldermen of London: and that Alderman Penington do bring in an act for that purpose.³⁵⁵ (*Ibid.*)

July 10, HC. Ordered, that, after the act for sale of the king's lands and parks is over, that the business touching the late king's servants, and also the bill for New-England, be taken up, in order as it now stands; and nothing to intervene. (*Ibid.*, p. 258.)

July 17, HC. Ordered, that the bill for New-England be reported to-morrow morning, the first business; nothing to intervene. (*Ibid.*, p. 263.)

July 18, HC. Mr. Gurdon reports amendments to the act touching New-England: which were twice read.

Resolved, etc., that, instead of these words, in the amendment, "shall conduce for the maintaining of the universities of Cambridge in New-England, and other schools and nurseries of learning there, and for the preaching and propagating of the Gospel among the natives", these words to be inserted, *viz*; "shall best and principally conduce to the preaching and propagating of the Gospel of Jesus Christ amongst the natives, and also for maintaining of schools and nurseries of learning, for the better educating of the children of the natives".

And the same being so amended, the amendments, being put to the question, were agreed; and the bill, with these amendments, ordered to be ingrossed; and to be brought in to the House, and read, on Friday morning; nothing to intervene. (*Ibid.*, p. 264.)

July 21, HC. An act touching transportation of felons and prisoners beyond sea, was this day read the first and second time; and, upon the question, committed unto Mr. Corbett, Mr. Garland, Mr. Browne, Colonel Morley, Alderman Atkins, Mr. Holland, Mr. Lister, Captain Skinner, Mr. Allen, Colonel Hutchinson, Mr. Weaver, Mr. Ralegh, Mr. Stephens:

³⁵⁵ See p. 222, *post*.

or any three of them: and this committee are to meet this afternoon at two of clock, in the Speaker's Chamber; and to bring it in on Monday morning.³⁵⁶ (*Ibid.*, p. 267.)

Mr. Holland likewise reports, from the Council of State the opinion of that Council, that it be reported to the House, that, in pursuance of the power already given to this council, concerning foreign embassies and agencies, and also concerning the promoting of plantations, that the council may be also enabled to give warrant to the Lords Commissioners of the Great Seal to affix the seal to such commissions, patents, and other instruments, as they shall judge necessary, for the execution and discharge of the trust that is committed to them in those two particulars: and that Mr. Holland be desired to make this report.³⁵⁷

Resolved, etc., that the matter of this report be taken into consideration on this-day-sevennight. (*Ibid.*)

July 23, HC. Ordered, that the bill for New-England be read to-morrow morning. (*Ibid.*, p. 268.)

July 25, HC. An act for encouragement of the adventurers, who have discovered certain islands, lying between the degrees of twenty-three and an half and thirty, north latitude, from the equinoctial; and, in longitude, from Florida to the Summer-Islands.³⁵⁸

Which was this day read the first and second time; and, upon the question, committed unto Mr. Reynolds, Colonel Marten, Lord Whitelock, Mr. Boone, Mr. Scott, Mr. Trenchard, Mr. Nelthorpe, Sir Henry Mildmay, Colonel Harrison, Sir Wm. Strickland, Mr. Lister, Sir John Danvers, Colonel Ven, Mr. Toll, Mr. Millington, Mr. Clement, Mr. Weaver, Mr. Stephens, Mr. Holland, Mr. Stockdale, Colonel Downes, Colonel Rich, Lord Mounson, Mr. Ashe, Mr. Challener, Mr. Stapley, Mr. Palmer, Mr. Raleigh, Captain Skinner: who are to meet to-morrow at two of the clock, in the Exchequer-Chamber. (*Ibid.*, p. 270.)

July 27, HC. An act for the promoting and propagating the Gospel of Jesus Christ in New-England was this day read the third time; and, upon the question, passed; and ordered to be printed and published. (*Ibid.*, p. 271.)³⁵⁹

July 28, HC. An act empowering the Lord Mayor, justices of gaol-delivery for Newgate, or any three or more of them, to transport three-score prisoners convicted of felony, and other heinous crimes, unto the Summer-Islands, or other new English plantations, was this day read the first and second time; and, upon the question, committed to the committee where Mr. Garland has the chair. (*Ibid.*)

³⁵⁶ Apparently not reported.

³⁵⁷ *Cal. St. P. Dom.*, 1649-1650, p. 213. The *Journals* contain no reference to further consideration of this report.

³⁵⁸ Eleuthera, one of the Bahamas, to which the Independents of Bermuda had been banished by the Royalist party in 1649. Capt. William Sayle, claiming proprietary rights to it, settled there in 1646. Lefroy, *Memorials of the Bermudas*, II. 10-12; Winthrop, *Hist. of N. E.* (ed. Savage), II. 408-409; *Winthrop Papers*, in *Mass. Hist. Soc., Collections*, fifth ser., I. 340-342.

³⁵⁹ Printed in Firth and Rait, *op. cit.*, II. 197; Hazard, *Historical Collections*, I. 635. Some of the letters from John Eliot to the corporation established by this act will be found in *Mass. Hist. Soc., Collections*, third ser., IV. 69, 165, etc.; *Severall Proceedings in Parliament* (London, 1650), no. 105, pp. 1616-1620.

July 30, HC. Mr. Garland reports an act for transporting threescore prisoners out of the gaol of Newgate.

Which was this day read; and, upon the question, passed. (*Ibid.*, p. 272.)

Aug. 21, HC. Mr. Holland reports amendments to an act for the adventurers for the Elutherian-Islands: which were twice read. (*Ibid.*, p. 283.)

Aug. 22, HC. The House this day took up the debate, upon the act, touching the adventurers for the Elutherian Islands.

Resolved, etc., that excise be excepted in this act.

The question being propounded, that the goods imported shall be custom-free;

It passed with the negative.

Resolved, etc., that the said act, so amended, be forthwith ingrossed.³⁸⁰ (*Ibid.*, p. 284.)

Aug. 28, HC. Ordered, that the bill for settling the islands in the West-Indies be read on Thursday. (*Ibid.*, p. 286.)

Aug. 31, HC. An act for settling the islands in the West-Indies, betwixt the degrees of twenty-four and twenty-nine north latitude, was this day read the third time; and, upon the question, passed; and ordered to be printed and published. (*Ibid.*, p. 288.)

Oct. 2, HC. . . . The House receiv'd an account from Ireland of the great success of the Parliament's forces in that kingdom. The particulars of which will best appear from their Lord-Lieutenant's letters, as laid before them.

For the Hon. William Lenthall, Esq., Speaker of the Parliament of England.
DUBLIN, Sep. 17, 1649.

St. . . .

The next day the other two towers were summoned, in one of which was about six or seven score, but they refused to yield themselves; and we knowing that hunger must compel them, set only good guards to secure them from running away, untill their stomachs were come down. From one of the said towers, notwithstanding their condition, they kill'd and wounded some of our men. When they submitted, their officers were knock'd on the head, and every tenth man of the soldiers kill'd, and the rest shipped for the Barbadoes. The soldiers in the other town were all spared as to their lives only, and shipped likewise for the Barbadoes. . . . O. CROMWELL.³⁸¹ (*Parl. Hist.*, XIX. 201, 204.)

Oct. 5, HC. Ordered, that the report concerning *Sancta Clara* be made on Wednesday next. (*C. J.*, VI. 304.)

Oct. 12, HC. Ordered, by the Parliament, that the several governors of plantations, now resident in England, with all their deputies, assistants,

³⁸⁰ Whitelocke erroneously states that the act was this day passed, but repeats the entry, with different title, under the correct date, Aug. 31 (*Memorials of the English Affairs from the Beginning of the Reign of Charles the First to the Happy Restoration of King Charles the Second*, 1853 ed., III. 92, 96).

³⁸¹ From the original edition, printed by John Field for Edward Husbonds, printer to the Parliament, and published by order. See also Whitelocke, *op. cit.*, III. 111, 112.

agents, ministers, and officers, do subscribe the said engagement,³⁶² before they do execute or act any thing in their several and respective places: and that the Council of State do take order the same be done accordingly.

Ordered, by the Parliament, that it be referred to the Council of State, to take care, and give direction, that the said engagement be subscribed, according to the votes aforesaid; and to require returns to be made to the said Council from the respective persons before whom such subscriptions are to be made; as also certificates of the names of the persons refusing or neglecting to subscribe, by such convenient time as the said Council shall appoint; so as the said Council may return the same to the clerk of the Parliament at or upon the first day of January next. (*Ibid.*, p. 307.)

Oct. 19, HC. Resolved, by the Parliament, that it be referred to the Council of State, to appoint, for the future, certain ships for convoys for merchants, for the encouragement of trade; and to take care, and give order, that the abuse of convoy-money be taken off; and that the convoys be without charge to the merchants. (*Ibid.*, p. 310.)

Nov. 2, HC. Ordered, by the Parliament, that the business touching *Sancta Clara* be taken into consideration this-day-sevennight. (*Ibid.*, p. 317.)

Dec. 5, HC. Resolved, that the Council of State be appointed to consider not only of the matter of fact touching the ship *Sancta Clara*, but what is fit to be done therein; and report their opinion therein to the House. (*Ibid.*, p. 329.)

Dec. 14, HC. Mr. Stephens reports, from the grand committee of the House for the excise, the resolutions of that committee, that the revenue of the excise shall be collected by the oversight and direction of commissioners to be appointed by the Parliament, in the several counties of England and Wales, and town of Barwick upon Tweed, towards the payment of the army, and towards the abatement of the assessments.

That the new impost of excise, of all commodities imported, be accounted for, and paid, by the first importer of the same³⁶³

Tobacco of the English plantation, imported in English bottoms, per pound-weight, 4 *d.*

Tobacco of the English plantation, imported in foreign bottoms, per pound-weight, 6 *d.*

That all refined sugar, double or single, in the loaf, shall pay, per pound, 6 *d.*

That all white sugars, of the growth of English plantations, to pay, per pound-weight, 3 *d.*

That all other sugars under whites, from English plantations, shall pay, per pound-weight, 2 *d.*

³⁶² "I do declare and promise, that I will be true and faithful to the Commonwealth of England, as the same is now established, without a king, or House of Lords" (*C. J.*, VI. 306). For orders of the Council of State concerning the taking of this subscription in Bermuda, see *Cal. St. P. Dom.*, 1649-1650, p. 398; *Cal. St. P. Col.*, 1574-1660, p. 332; Lefroy, *op. cit.*, I. 656, 658.

³⁶³ The same day, the House voted against this proposed mode of payment. *C. J.*, VI. 333.

That candy white, imported, shall pay, per pound, 8 *d.*

That candy brown, imported, to pay, per pound, 6 *d.* (*Ibid.*, p. 332.)

Dec. 19, HC. The House this day proceeded in the business of the rates reported by the grand committee for excise.

Resolved, by the Parliament, that every pound of tobacco of the English plantations, as well already imported, having not paid the excise, as hereafter to be imported in English ships or vessels, shall pay four-pence per pound-weight, to be paid by the first buyer thereof from the merchant or importer.

Resolved, by the Parliament, that every pound of tobacco, of the English plantation, as well already imported in foreign ships or vessels, having not paid the excise, as hereafter to be imported, shall pay six-pence per pound-weight, to be paid by the first buyer thereof from the merchant or importer. . . . ³⁶⁴

The humble petition of the merchants and refiners trading in sugars, freemen of the city of London, was this day read.

Resolved, that all refined sugars, double or single, in the loaf, as well already imported, which hath not paid excise, as which shall be hereafter imported, shall pay, per pound, six-pence, to be paid by the first buyer thereof from the merchant or importer.

Resolved, that all white sugars, of the growth of English plantations, as well which are already imported, not having paid excise, as which shall hereafter be imported, shall pay, per pound-weight, three-pence, to be paid by the first buyer from the merchant or importer.

The question being propounded, that all other sugars, under whites, from English plantations, as well already imported, not having paid excise, as which shall hereafter be imported, shall pay, per pound-weight, two-pence, to be paid by the first buyer thereof from the merchant or importer.

The question was put, that that question be now put:

It passed with the affirmative.

And the main question being put;

It was resolved, that all other sugars, under whites, from English plantations, as well already imported, not having paid excise, as which shall hereafter be imported, shall pay, per pound-weight, two-pence, to be paid by the first buyer thereof from the merchant and importer. . . . ³⁶⁵

Resolved, that all candy white sugar, already imported, not having paid excise, as which shall be hereafter imported, shall pay, per pound, for excise, eight-pence, to be paid by the first buyer thereof from the merchant or importer.

Resolved, that all candy brown sugar, as well already imported, not having paid excise, as which shall be hereafter imported, shall pay, per pound, for excise, six-pence, to be paid by the first buyer thereof from the merchant or importer. . . . (*Ibid.*, pp. 333-334.)

³⁶⁴ Two shillings was the impost laid on tobacco not of the English plantations. *C. J.*, VI. 333.

³⁶⁵ On sugars from other places, three and one-half pence was levied on white, and two and one-half pence on sugars under white. *Ibid.*, p. 334.

1649/50.

Jan. 11, HC. Ordered, that an act be prepared, and brought in, for settling commissioners as a standing council, for ordering and regulating of trade in all parts of this nation: with powers and instructions for ordering and regulating of trade for the best advantage of the Commonwealth: and that Mr. Thomas Challener and Major Salwey take care hereof; and bring it in this-day-sevennight.³⁶⁶ (*C. J.*, VI. 347.)

Feb. 9, HC. Mr. Martyn reports, from the Council of State, the state of the business touching the ship *Sancta Clara*, that it be reported to Parliament, that, in pursuance of their order of the fifth of December, this Council hath taken into consideration the business of the ship the *Sancta Clara*, by the said order referred unto them; and they find, that there was a civil action, instituted in the Court of Admiralty, against the goods in the said *Sancta Maria*, by Colonel Randall Mainwaring, and partners, as being the goods of certain persons, Spaniards, by whom a ship and goods of theirs had been depredated at sea: that, in the said action, a sentence absolutory was given for the Spaniards; from which there was an appeal by the said Colonel Mainwaring, and partners, to judges delegates, where the said appeal remains undetermined: that, until the said appeal be determined, this Council cannot give any opinion what is fit to be done concerning the goods of the said *Sancta Clara*, either in respect of the said Colonel Mainwaring, and partners, or the other pretenders: in which affair, that there may be no delay, that the House be desired to give order to the judges delegates to proceed to the determination of the said appeal, with all convenient expedition: but the Council finds, that, which way soever the sentence upon the appeal shall pass, yet the Parliament are obliged, by their own orders, to pay the said monies to whom the same shall appear to be due: and therefore that the Parliament be moved, that they will take it into their speedy consideration, how the said money may be provided.

Ordered, that the commissioners, in the commission of delegates, upon the appeal of Colonel Mainwaring, and partners, against the proprietors of the ship *Sancta Clara*, be required to proceed upon that appeal.

Ordered, that it be referred to the committee of the navy, to consider how this fifty thousand pounds may be provided.³⁶⁷ (*Ibid.*, pp. 359-360.)

Feb. 13, HC. The House, according to former orders, proceeded in the debate of the powers of the Council of State.³⁶⁸

The powers of the Council of State, in the former instructions, were read; and, each of them being, one by one, put to the question, were agreed; and are as followeth: . . .

3. You are hereby authorized and required to use all good ways and means for the reducing of Ireland, the isles . . . Jersey, Guernsey,

³⁶⁶ This order followed a report from the Council of State touching addresses of several companies of merchants that steps be taken to encourage and advance their trade (*C. J.*, VI. 346-347). On Jan. 26, the bill was ordered to be brought in on the following Thursday, the 31; it was not read until Mar. 14 (*ibid.*, 350, 382).

³⁶⁷ *Cal. St. P. Dom.*, 1649-1650, p. 493. See pp. 138, 198, 208, *ante*.

³⁶⁸ See note 350, *ante*.

Silley, and the Isle of Man, and all other parts and places belonging to the Commonwealth of England, not yet reduced. . . .

5. You are to use all good ways and means for the securing, advancement, and encouragement, of the trade of England and Ireland, and the dominions to them belonging; and to promote the good of all foreign plantations and factories belonging to this Commonwealth, or any of the natives thereof. . . . (*Ibid.*, p. 364.)

Mar. 13, HC. Colonel Thompson likewise reports from that committee,³⁶⁹ that the said committee is informed, that there is great store of tobacco brought from New-England, and much planted in this Commonwealth, which pay neither custom nor excise; and that there is much logwood brought into and spent within this nation; which, being a prohibited commodity, payeth neither custom nor excise.

Ordered, that it be referred to the committee of the navy, to bring in an act for payment of excise and custom for tobacco brought from New-E[n]gland, and other parts of America, of that growth, or otherwise, at the same rates that other tobacco is to pay.³⁷⁰

Resolved, that an act be likewise brought in, for prohibiting the planting of tobacco in England: and that the committee of the navy do prepare an act accordingly.³⁷¹

Ordered, that it be referred to the committee of the navy, to take consideration concerning the business of logwood: and to report their opinions to the House.³⁷² (*Ibid.*, p. 382.)

Mar. 14, HC. An act for the regulating of trade was this day read the first time; and ordered to be read the second time on Saturday morning, the first business. (*Ibid.*)

Mar. 16, HC. An act for regulating of trade, was this day read the second time.

And the question being propounded, that the number of the commissioners in this act shall be one-and-twenty;

And the question being put, that that question be now put;

It passed with the negative.

The question being propounded, that the number of the commissioners in this act shall be fifteen;

And the question being put, that that question be now put;

It passed with the affirmative.

And the main question being put;

It was resolved, that the number of the commissioners in this act shall be fifteen.

³⁶⁹ Committee of the navy.

³⁷⁰ By the ordinance of Nov. 26, 1644, New England trade was exempted from the payment of duties. Virginia and other colonies soon took advantage of this exemption by shipping tobacco through New England (Beer, *Origins*, p. 409). The act here proposed was passed June 20; see pp. 216-217.

³⁷¹ During the civil war, the proclamations of James I. and Charles I. prohibiting the planting of tobacco in England were not enforced. See Beer, *op. cit.*, p. 403. This prohibition was revived by an act passed in 1652; see p. 228.

³⁷² The importation of logwood into England for use in dyeing had long been forbidden, since it was considered harmful to the cloth. Beer, *op. cit.*, pp. 209 n.-210 n.

Resolved, that the quorum of the said commissioners, or standing council, shall be five.

Resolved, that, of this number of fifteen, there shall be two of the members of this House, whereof one to be of the Council of State.

Resolved, that Mr. Thomas Challener and Major Salway shall be two of the said commissioners in this act.

Resolved, that Sir Henry Vane the younger be also one of the commissioners in this act.

Resolved, that this act be committed; *viz.* to Mr. Bond, Alderman Allen, Sir Henry Vane, Mr. Thomas Challenor, Mr. Ashe, Mr. Stephens, Mr. Boone, Mr. Darley, Sir Henry Myldmay, Mr. Clement, Sir John Danvers, Mr. Edwards, Mr. Goodwyn, Colonel Venne, Mr. James Challenor, Sir Gilbert Pickering, Mr. Hodges, Sir John Hipposley, Lord Commissioner Lysle, Colonel Jones, Colonel Fleetwood, Mr. Corbet, Colonel Philip Jones, Major Salway; or any five of them: and all that come, are to have voices: and this committee is to meet this afternoon at two of the clock, in the Speaker's Chamber; and so *de die in diem*: and this committee have power to consider of, and present the names of, fit persons to be the rest of the commissioners in this act.

And Mr. Thomas Challenor is to take care hereof.

Resolved, that Benjamin Worsley be secretary to the commissioners in this act.⁸⁷⁸ (*Ibid.*, p. 383.)

1650.

June 19, HC. Mr. Challenor reports, from the committee, amendments to the act for regulating of trade: which were twice read.

The question being propounded, that Peter Keckwich be one of the commissioners in this act;

And the question being put, that that question be now put;

It passed with the negative.

The question being propounded, that John Sadler be one of the commissioners in this act;

And the question being put, that that question be now put;

It passed with the negative.

Resolved, that John Ashe esquire be one of the commissioners in this act.

Resolved, that Sir Cheney Culpepper knight be one of the commissioners in this act.

Resolved, the time of continuance of the powers and instructions in this act be, until the twenty-ninth of September 1651.

And the amendments, being put to the question, were assented unto.

And the bill, so amended, upon the question, was ordered to be ingrossed. (*Ibid.*, p. 426.)

June 20, HC. Colonel Thompson reports an act for New England to pay customs and excise for all tobacco of the growth of New England, imported.

⁸⁷⁸ Orders for the reporting of this bill are entered under dates of Apr. 25, May 8, and June 14. *C. J.*, VI. 403, 410, 424.

Which was this day read the first and second time; and, upon the question, passed.³⁷⁴

Colonel Thompson further reports from the committee of the navy, touching logwood.

In pursuance of an order of Parliament of the thirteenth of March 1649, whereby it is referred unto this committee, to take consideration of the business of logwood, and to report their opinions to the House; this committee having given notice to the Turkey Company, and to the respective companies of merchant-adventurers, drapers, dyers, feltmakers, and salters, and publickly upon the Exchange, that they would consider thereof on Thursday the one-and-twentieth of this instant March; to the end, that, if they had any proposals to offer touching logwood, they should then be heard; there then appeared before this committee several persons, both merchants, salters, dyers, and feltmakers; who, upon examination of the premises, do all unanimously agree, that stuffs of all sorts, made either wholly of hair, or wholly, or in part, of cotton or linen, and all thread, leather, and hats, cannot be dyed without the use of logwood *alias* blockwood; and do likewise affirm, that the said wood would be of great use in dying of woollen cloth, if provision were made, that the same might not be abused.

Upon consideration whereof it is ordered to be reported to the Parliament, as the opinion of this committee, that it would be for the benefit of the Commonwealth, in the revenue thereof, and for the improving the manufactures of this nation, that the statutes now in force against the importation of logwood *alias* blockwood, may be restrained. . . . (*Ibid.*)

June 25, HC. An act for the advancing and regulating the trade of this Commonwealth was this day read the third time.

Resolved, that, in the tenth instruction within this act, these words, "and be no longer continued", be left out, and instead thereof these words be inserted; *viz.* "in such manner as the Parliament shall think fit"³⁷⁵

Resolved, that the further debate on this bill be adjourned till this-day-sevennight.³⁷⁶ (*Ibid.*, p. 430.)

Aug. 1, HC. The House this day resumed the debate upon the bill of trade.

The question being propounded, that these words, in the tenth article in this bill; *viz.* "and no other order or ordinances, made or executed in

³⁷⁴ "That all tobacco of the growth of New England, shall pay the duties of customes and excise, after the same rate and proportion, that tobacco brought from any other of the English plantations doth and is liable to pay; and the commissioners of the customes and excise, their collectors, officers and ministers, are to collect and gather the duties of custome and excise for the same accordingly" (Hazard, *Hist. Collections*, I. 636). The act is printed in full in *Severall Proceedings in Parliament*, no. 39, pp. 556-557.

³⁷⁵ The tenth instruction to the council of trade reads, as amended: "They are to inform themselves of the particular ordinances, orders, grants, patents, and constitutions of the several companies of merchants, and handicraftsmen, to the end that if any of them tend to the hurt of the publique, they may be laid down, in such manner as the Parliament shall think fit." Firth and Rait, *Acts and Ordinances*, II. 405.

³⁷⁶ Postponements of further consideration of this bill were made on June 28, July 3, 10, 30. *C. J.*, VI. 434, 436, 439, 448.

place of them by any of the said companies, before they be first perused and allowed by the Parliament, or Council of State"; do stand in this bill;

It passed with the negative.

The question being put, that Jeremy Blackman be one of the commissioners in this bill;

It passed with the negative.

Resolved, that Mr. Thomas Boone be one of the commissioners in this act.

The said act, so amended, being put to the question, passed: and

It is ordered, that the said act be forthwith printed and published.³⁷⁷ (*Ibid.*, p. 451.)

Sept. 27, HC. An act, prohibiting trading and commerce to the Barbadoes, Antigo,³⁷⁸ Virginia, and the Barmuthes,³⁷⁹ was this day read the first and second time; and, upon the question, committed to the committee of the navy: and that they bring it in on Tuesday morning next; and the special care hereof is referred to Colonel Thompson.³⁸⁰ (*Ibid.*, p. 474.)

Oct. 3, HC. Colonel Thompson reports amendments to the act prohibiting commerce and trade to the Barbadas, Antigo, Virginia, and Bermudas alias Summer's-Islands; which were this day read the first and second time; and, upon the question, assented unto.

The question being put, that the said act be ingrossed;

It passed with the negative.

The said act, so amended, being put to the question, passed: And

It is ordered, that the said act be forthwith printed and published.³⁸¹

³⁷⁷ Printed in Firth and Rait, *op. cit.*, II. 403-406; *Severall Proceedings in Parliament*, no. 45, pp. 653-657; and, in substance, in *Parl. Hist. Eng.*, XIX. 314-316. The commissioners appointed by this act were instructed, by section 11, "to consider the great trade of fishing, and that not only upon the coasts of England and Ireland, but likewise of Iceland, Greenland, Newfoundland and New England, or elsewhere, and to take care that the fishermen may be encouraged to go on in their labors, to the increase of shipping and mariners". The commissioners by the twelfth instruction were directed "to take into their consideration the English plantations in America or elsewhere, and to advise how those plantations may be best managed, and made most useful for this Commonwealth; and how the commodities thereof may be so multiplied and improved, as (if it be possible) those plantations alone may supply the Commonwealth of England with whatsoever it necessarily wants . . ." The act was to continue until Sept. 29, 1651; by a continuing act, passed Sept. 26, its date of expiration was set for Dec. 31, 1651 (*post*, p. 224).

³⁷⁸ Antigua.

³⁷⁹ Bermudas.

³⁸⁰ This act was drafted by the admiralty committee of the Council of State. See minute of Sept. 10, in Lefroy, *Memorials*, I. 660; also, *Cal. St. P. Col.*, 1574-1660, pp. 342, 343.

³⁸¹ Printed in Firth and Rait, *op. cit.*, II. 425-429; *Severall Proceedings in Parliament*, no. 54, pp. 797-803; Hazard, *Hist. Collections*, I. 636-638. By this act the rebellious colonies were forbidden "any manner of commerce or traffique with any people whatsoever". Likewise, all foreign ships were forbidden "to come to, or trade in, or traffique with any of the English plantations in America" without first obtaining a license from Parliament or the Council of State. The Council of State was further empowered to send ships to the plantations, to grant commissions and pardons, and to settle governors "in all or any the said islands, plantations and places . . . any letters patents or other authority formerly granted or given to the contrary notwithstanding". Finally, the act was to be published upon the London Exchange on three days, "at the time of the course of merchants thither". For an account of the reception of this act in Virginia, see *Va. Mag. Hist.*, I. 75-81; Wertebaker, *Va. under the Stuarts*, pp. 96-98. There, in the following March, Berkeley made an appeal to the assembly to remain loyal to

Ordered, that the several letters patents, concerning the Barbados, Bermudas, Caribee-Islands, and Virginia, be brought and delivered into Parliament, by this-day-three-weeks, to be disposed of as the Parliament shall think fit.

Ordered, that the serjeant at arms attending the Parliament do forthwith summon the several persons whom it doth concern to bring in the said letters patents accordingly.

Ordered, that the Council of State be authorized and required to give order to the generals at sea, that they take care, in case any ships shall be found by them, trading to Barbathos, Bermudas, Virginia, Antigos, and other islands, contrary to the act prohibiting trade with those parts; that they make stay of them, until they shall have given an account thereof to the Parliament, or Council of State, and receive further directions therein.

Mr. Thomas Challenor reports from the Council of State, that the Council finds it necessary for the reduction of the island of Barbados, and any other places which do, or shall, adhere unto the said island, and their proceedings; and for the prevention of any trade, which may be held with them, by any persons whatsoever, whereby they may be enabled to persist in their opposition to the government of this Commonwealth; that a fleet of ships should be dispatched away thither, with all possible speed: a list whereof, containing the force of the several ships to be sent, is hereunto annexed: that the Parliament be moved, that if they shall approve thereof, that they will give order to the committee of the navy, to take care, that pay may be provided for such a number of men and ships, as is mentioned in the said list.

	Tuns.	Guns.	Men.
Admiral, six or.....	700	50	200
Vice-Admiral	250	35	120
Rear-Admiral	250	30	100
A merchant-ship	400	30	100
A merchant-ship	300	26	90
A merchant-ship	300	24	90
A vessel of eighty or.....	100	8	20
One thousand snaphance musquets. ⁸⁸²			
One hundred carabines.			
One hundred steel lances.			
Two hundred land-soldiers.			

Ordered, that it be referred to the committee of the navy, to consider of the list presented, and what ships are fit to be employed, and the number of men: and how the same may be provided and paid; and present their opinions therein to the Parliament.

Ordered, that what sum and sums of money shall arise, and be brought in to the committee of the navy, upon the discovery of the estate late belonging to the Archbishop of Canterbury,⁸⁸³ or any other discovery of

the crown, the act was read, and resolutions were passed pledging allegiance to the king and protection to foreign merchants.

⁸⁸² Flint-lock type.

⁸⁸³ William Laud, beheaded in 1645.

like nature, which shall be made unto them, shall go and be employed towards the setting forth the said ships and men: and that the committee of the navy do, in the mean time, go on to prepare for setting out the said ships accordingly.³⁸⁴ (*Ibid.*, p. 478.)

Oct. 11, HC. Resolved, by the Parliament, that the second moiety of the second third part, raised upon the additional excise, by an ordinance of Parliament of the eighth of July 1644, and payable to Sir Walter Earle knight, by ordinance of Parliament of the third of August 1644,³⁸⁵ for the service of the state, shall be paid by the commissioners of the excise to the treasurer of the navy for the time being, for the use and service of the navy: whose receipt, with this order, shall be their sufficient discharge.

Ordered, that the committee of the navy be authorized to employ the monies, which shall be received by the treasurer of the navy, by virtue of this order, for setting forth the ships that are to be sent for reducing the Barbados, Bermudas, and other the plantations in America. (*Ibid.*, p. 482.)

Oct. 16, HC. The serjeant at arms gave an account of his service in proclaiming the act for prohibiting trade with the Barbados, Bermudas, Virginia, and Antego, on three several days, upon the Exchange, London, at the time of the concurrence of merchants thither, according to the directions of the said act. (*Ibid.*, p. 484.)

Oct. 31, HC. Ordered, by the Parliament, that the committee of the navy be authorized to contract for ships and provisions necessary for the expedition to the plantations in America: and that they do take care for their speedy dispatch in that expedition. (*Ibid.*, p. 488.)

Nov. 7, HC. The humble petition of Edward Bullock gentleman, an inhabitant of New-England, was this day read.

Ordered, that this petition be referred to the committee of indemnity; to examine the truth of the matter; and to consider the length of time; and how far this case is fit for relief; and to report the true state of it, with their opinion, to the House: with power to send for persons, papers, records.³⁸⁶ (*Ibid.*, p. 492.)

³⁸⁴ For subsequent orders of the Council of State concerning Barbados, see *Cal. St. P. Col.*, 1574-1660, pp. 344 *et seq.* Several letters and references to letters setting forth conditions in the islands about this time are printed in *Severall Proceedings in Parliament*, no. 40, pp. 583-584, and in Whitelocke, *Memorials*, under dates of July 5, 31, Sept. 25, May 21, 1651. Whitelocke, however, is not reliable as to dates. Under date of Oct. 5 he records: "Many persons well-affected to the parliament having their estates seized, and themselves driven away from Barbadoes, came into England, and upon their petition to the Council of State, and conference with them by their committee, they reported their opinions to the parliament, that it was necessary to reduce those islands, and a fleet to be sent thither for that purpose, with provisions for that purpose: which the house approved." *Op. cit.* (1853 ed.), III. 247-248.

³⁸⁵ This portion of an excise upon alum, copperas, caps, hats, hops, saffron, starch, silks, etc., was to be paid for arms and ammunition for the use of the parliamentary forces. Firth and Rait, *Acts and Ordinances*, I. 466, 484.

³⁸⁶ There is no further reference to this matter until Mar. 30, 1657, when this same or another petition was read and referred (*C. J.*, VII. 514; p. 240, *post*). A resident of Dorchester, Mass., of this name, who came to New England in 1635 on the *Elizabeth*, returned to England in 1649, and died there (Savage, *Genealogical Dictionary of the First Settlers of New England*, I. 297). His will, probated Jan. 29, 1657, is printed in the *N. E. Hist. and Gen. Reg.*, VI. 355.

1650/1.

Jan. 22, HC. Colonel Thompson reports, from the committee of the navy, the number of ships, etc. to go to the Barbadoes.

State's ships.		Guns.	Men.
<i>Rainbow</i>		52	260
<i>Amitie</i>		34	150
Merchants ships.			
<i>Increase</i>		40	100
<i>Successe</i>		30	90
<i>Ruth</i>		30	80
<i>Brazil frigate</i>		24	70
<i>James</i>		26	70

Extraordinaries laid on board the said fleet.

	l.	s.	d.
Surgeon's chest, with medicaments and physick, exceeding the value of.....	25	0	0
A magazine of all petty-stores.			
A proportion of fruit and spice, to the value of.....	25	0	0
500 gallons of strong-waters, in runlets hooped with iron.			
Flower, meal, and oatmeal.....	150	0	0

Arms.

Five hundred snaphance musquets, with bandaleers.
 Three hundred pikes.
 Five hundred swords and belts.
 Twenty drums, with cases.
 Five hundred Sweed feathers.
 Fifty pair of pistols.
 Twenty colours.
 Twenty long fowling-pieces.

Resolved, that this House doth agree with the committee, as well touching the number of men and ships, as of other particulars in the said report mentioned.

Ordered, that it be referred to the Council of State, to send them away forthwith; and to give them instructions.³⁸⁷ (*Ibid.*, p. 526.)

Mar. 7, HC. The humble petition of the last adventurers of the Elutherian Company, was this day read.³⁸⁸

Ordered, that the said petition be referred to the committee of the navy; to examine the matter of fact thereupon; and state it, and report it, to the Parliament, together with their opinion therein; and to take into consideration, how, or in what manner, they may be impowered to sue for the recovery of their own right, and defend themselves; and to report their opinion therein to the House: with power to the said committee, to send for persons, papers, witnesses. (*Ibid.*, p. 547.)

³⁸⁷ *Cal. St. P. Col.* 1574-1660, p. 349.

³⁸⁸ See p. 210, note 358, *ante*.

1651.

May 13, HC. An act for transporting of sixty prisoners out of the gaol of Newgate into Ireland, and English plantations, was this day read the first and second time.

And the question being put to agree, that these words in the said act, "or hereafter to be attainted or convicted", do stand in this act;

It passed with the negative.

Resolved, that the said act be committed unto Mr. Hill, Alderman Pennyngton, Mr. Holland, Mr. Millington, Sir Thomas Wroth, Mr. Corbett, Mr. Oldsworth, Alderman Allen, Lord Grey, Mr. Edwards, Sir Wm. Allanson, Mr. Ashe, Mr. Attorney-General,⁸⁸⁹ Mr. Moyle, Alderman Atkins, Colonel Popham; or any three of them: and are to meet in the Speaker's Chamber this afternoon; and so *de die in diem*.⁸⁹⁰ (*Ibid.*, p. 573.)

June 6, HC. Resolved, that it be referred to the Council of State, to take into consideration, upon the debate of the House, the business touching the Barbados and Portugall, for the best advantage and service of the Commonwealth.⁸⁹¹ (*Ibid.*, p. 585.)

June 19, HC. Major Salwey reports from the Council of State, touching the fleet designed for reducing the Barbados.⁸⁹²

That this Council, in pursuance of the act of Parliament for the reducing of the Barbadoes; did cause to be prepared a fleet of ships for that service, consisting of seven sail, under the command of Sir George Aiscue; ⁸⁹³ a particular list of which ships, their burden, men, and guns, is herewith presented.

That for the regulating of that affair, and carrying on the same with the better conduct, the Council gave the commissions and instructions; whereof copies are also herewith presented.

That, when the fleet aforesaid was ready to set sail, in prosecution of the said voyage, there being an opportunity offered for the reduction of Sillies,⁸⁹⁴ the Council thought fit to make use of that fleet for the said service at Sillies; and were instrumental for effecting the same.

That there are aboard the said fleet many persons, that were banished thence, and who had suffered much for their fidelity and good affection to this Commonwealth; who expect their passage thither in the said fleet.

That, while the said fleet have been employed upon the service aforesaid at Sillies, there are some letters come to the hands of the Council, giving some representation of the present state of affairs there: which the Council hath thought necessary the House should be acquainted with.

That the Council hath given licence for several ships to go with the said fleet; who have given security to be at the direction of the commander in chief of that fleet, to trade, or not to trade, as he shall direct: a list of which ships is also herewith presented.

⁸⁸⁹ Sir Edmond Prideaux, from 1649 to 1659.

⁸⁹⁰ The bill was not reported.

⁸⁹¹ For Council of State proceedings following this order see the next entry, and *Cal. St. P. Col.*, 1574-1660, pp. 356 *et seq.*

⁸⁹² *Ibid.*, p. 357.

⁸⁹³ Sir George Ayscue was appointed admiral under Parliament in 1649. He reduced Scilly in 1651, Barbados and Virginia in 1651-1652. At the Restoration he was appointed commissioner of the navy.

⁸⁹⁴ The Scilly Islands.

That, upon the reduction of Sillies, and some few days before the late order of the Parliament, the Council had given order, that the said fleet should receive in a supply of victuals, and then proceed on their voyage, in pursuance of their former instructions.

This being the state of fact concerning the fleet, the Council hath held necessary it should be represented to the Parliament, for such further order therein as they shall judge fit.

The humble petition of the merchants, seamen, and others, trading to the Barbadoes, and other islands, etc. was this day read.

Several papers and letters, mentioned in the report, were this day read.

The question being propounded, that it be referred to the Council of State, to take special care, that, out of these ships already designed for the Barbadoes, or any others, a competent number of ships may be sent thither, as may be most for the service of this Commonwealth, either by distressing the said islands, or hindering trade thither, or otherwise, as may best conduce to the reduction of the said island, and the best advantage of this Commonwealth;

And the question being put, that that question be now put;

It passed with the affirmative.

And the main question being put;

It was resolved, that it be referred to the Council of State, to take special care, that, out of those ships already designed for the Barbadoes, or any others, a competent number of ships may be sent thither, as may be most for the service of this Commonwealth, either by distressing the said island, or hindering trade thither, or otherwise, as may best conduce to the reduction of the said island, and the best advantage of this Commonwealth.³⁹⁵ (*Ibid.*, p. 590.)

Aug. 5, HC. The Lord Commissioner Whitelock reports, from the Council of State, a bill for the increase of shipping, and encouragement of navigation.

Which was this day read the first time; and, upon the question, ordered to be read the second time on this-day-sevennight. (*Ibid.*, p. 617.)

Aug. 19, HC. An act for increase of shipping, and encouragement of the navigation of this nation, was this day read the second time; and, upon the question, committed to a committee of the whole House: And

Ordered, that on Thursday every week the said committee do meet and sit; and that the said committee do sit on Thursday morning next; and that Mr. Speaker do then forbear to take the chair. (*Ibid.*, VII. 2.)

Aug. 21, HC. The House, according to former order, was resolved into a grand committee upon the bill for increase of shipping, and increase of the navigation of this nation.

Mr. Speaker left the chair.

Mr. Love took the chair.

Mr. Speaker resumed the chair.

³⁹⁵ The fleet sailed from Plymouth Aug. 5. *Cal. St. P. Col.*, 1574-1660, pp. 362-363; Davis, *Cavaliers and Roundheads of Barbados*, p. 191.

The question being put, that the petition of Mr. Love ⁸⁹⁶ be received, and read;

It passed with the negative. (*Ibid.*, p. 4.)

Aug. 28, HC. The House this day, according to former order, was resolved into a grand committee upon the bill for increase of shipping, and encouragement of the navigation of this nation.

Mr. Speaker left the chair.

Mr. Love took the chair.

Mr. Speaker resumed the chair. (*Ibid.*, p. 7.)

Sept. 4, HC. The House this day, according to former order, was resolved into a grand committee, upon the bill for increase of shipping, and the encouragement of the navigation of this nation.

Mr. Speaker left the chair.

Mr. Love took the chair.

Mr. Speaker resumed the chair. (*Ibid.*, p. 11.)

Sept. 11, HC. The House, according to former order, was this day resolved into a grand committee upon the bill for increase of shipping, and encouragement of the navigation of this nation.

Mr. Speaker left the chair.

Mr. Love took the chair.

Mr. Speaker resumed the chair. (*Ibid.*, p. 15.)

Sept. 18, HC. The House, according to former order, was resolved into a grand committee, upon the bill for increase of shipping, and encouragement of the navigation of this nation.

Mr. Speaker left the chair.

Mr. Love took the chair.

Mr. Speaker resumed the chair.

Mr. Love reports from the grand committee upon that bill, that the committee have several times met, and are agreed upon the amendments; and desire the leave of the House, that the same may be reported on this day seven-night.

Resolved, that Mr. Love do report the amendments to-morrow morning, the first business. (*Ibid.*, p. 19.)

Sept. 19, HC. Resolved, that the report of the amendments to the bill for increase of shipping, etc. be made on Thursday next, the first business. (*Ibid.*, p. 20.)

Sept. 26, HC. Mr. Bond reports, from the committee, amendments to the bill for increase of shipping, and encouragement of the navigation of this nation: which were twice read, and agreed; and the bill, so amended, ordered to be ingrossed. (*Ibid.*, p. 21.)

Sept. 26, HC. Mr. Bond reports an act for continuing the act, intituled, an act for the advance and regulating the trade of this Commonwealth, bearing date August the first 1650: which was this day read the first and second time.

Resolved, that the time for continuance of this act, be till the last of December, 1651.

⁸⁹⁶ The nature of this petition is not disclosed. The next day leave to read the petition was again refused. *C. J.*, VII. 5.

Resolved, that these words, in the title and body of the act; *viz.* "bearing date August the first 1650", be omitted.

Resolved, that Major-General Deane, be added to the committee for trade.

And the said act, so amended, being put to the question, passed.⁸⁹⁷ (*Ibid.*)

Oct. 9, HC. An act for increase of shipping, and encouragement of the navigation of this nation, was this day read the third time.

A proviso was tendered to this act, that this act, or any thing therein contained, shall not extend to inhibit the sale of any fish, to any person, upon the rock in the Newfound Land, for the space of three years, from the twenty-fourth day of March, one thousand six hundred fifty-and-one: which was this day read the first time; and laid aside.

The question being propounded, that these words, "from and after the first day of February 1653", be added to the clause touching fishery;

And the question being put, that this question be now put;

It passed with the affirmative.

And the main question being put, it was

Resolved, that these words, *viz.* "from and after the first day of February 1653", be added in the clause touching fishery.

And the said clause, so amended, being put to the question, was assented unto.

Resolved, that the blank for the time be filled up with these words, "first of December 1651".

Resolved, that the other blank for the time be filled up with these words, "first of December 1651".

And the said act, so amended, being put to the question, passed: and ordered to be forthwith printed and published.⁸⁹⁸

Resolved, that the serjeant at arms attending the Parliament be enjoined to proclaim this act upon the Old Exchange, London, to-morrow, at the usual hour, with sound of trumpet, and beat of drum.

Resolved, that the Lords Commissioners for the Great Seal be authorized and required, to issue under the great seal a certiorari to the clerk

⁸⁹⁷ See p. 218, note 377, *ante*.

⁸⁹⁸ Printed in Firth and Rait, *Acts and Ordinances*, II. 559; Scobell, *Acts of Parliament* (ed. 1653), pp. 165-170; *Severall Proceedings in Parliament*, no. 107, p. 1645. The substance of the act is given in Beer, *Origins*, p. 385; *Parl. or Constitutional Hist. Eng.*, XX. 75; Cobbett, *Parl. Hist.*, III. 1374. This navigation act provided: that no goods should be imported from Asia, Africa, or America, except in English ships; nor from any part of Europe into England, Ireland, or the colonies, except in English vessels or in the ships of the country in which the goods were produced; that no foreign goods should be imported but from the place of production, or from the usual port of first shipment; that no salted fish, oil, or whale products, should be imported unless caught in English vessels, nor exported save in English ships; and that the coasting trade in the British dominions should be limited to English vessels. Certain exceptions were made in the commodities from the Levant, the East Indies, and the ports of Spain and Portugal. The act did not extend to bullion nor to prize goods, nor to certain wares brought by land from Italy, provided they were later brought from the ports of shipment in English vessels. For the effects of the act upon the Dutch, see Edmundson, *Anglo-Dutch Rivalry*, pp. 154-157; but cf. G. N. Clark on "The Navigation Act of 1651", in *History*, n. s., vol. VII., pp. 282-286.

of the Parliament, to certify into the chancery the act, intituled, An act for increase of shipping, and encouragement of the navigation of this nation: and that the Lords Commissioners do cause the same act to be sent to the several sheriffs, with writs for the proclaiming of the said act, according to the usual form.

Resolved, that the commissioners of the excise be required to cause this act to be sent to all port towns. (*Ibid.*, p. 27.)

Oct. 30, HC. Mr. Bond reports, from the committee of the navy, a list of ships and vessels offered for the winter guard; with their force of men and guns, and the several stations they are appointed unto, for the coasts of England, Ireland, and Scotland

And for Virginia; viz.

Ships names.	Commanders.	Guns.	Men.
<i>John</i>	Robert Dennis	36	120
<i>Guinney</i> frigate	Edmund Curtis	36	120
			240 ³⁹⁹

Likewise there is the fleet gone to Barbadoes under the command of Sir George Aiscue; viz.

Ships names.	Commanders.	Guns.	Men.
<i>Rainbow</i>	Sir George Aiscue ..	52	280
<i>Amity</i> frigate	Michael Park ⁴⁰⁰ ...	36	150
<i>Success</i>	Edw. Witheridge ..	30	90
<i>Ruth</i>	Edw. Thompson ...	30	80
<i>Brazeel</i> frigate	Thomas Heath	24	70
<i>Malago</i> merchant	Henry Cottin ⁴⁰¹	30	90
<i>Increase of London</i> ...	Tho. Varvell	36	100
			800

Which was this day read.

Resolved, that this House doth agree to this list.

Ordered, that power be given to the Council of State, to change any of the officers, ships, or their stations, as they shall think fit. (*Ibid.*, pp. 32-33.)

1651/2.

Jan. 14, HC. General Blake reports from the Council of State

These ships following are now forth at sea, upon the charge of the state; and is doubtful whether any of them will return time enough to be fitted forth for the next summer-guard

Under the command of Sir George Aiscue, gone to the Barbadoes.

³⁹⁹ Cf. number of men and guns on these vessels as reported on Jan. 14, *post*.

⁴⁰⁰ *Perle*.

⁴⁰¹ Cf. Collin, in report of Jan. 14. The name is given as "Collins" in Clowes, *Royal Navy*, II. 187. This vessel was a hired merchantman.

Ships.	Commanders.	Men.	Guns.
<i>Rainbow</i>	Sir George Aiscue ..	280	52
<i>Amity</i>	Mich. Pack	150	36
<i>Success</i>	Edw. Witheridg ...	90	30
<i>Ruth</i>	Edw. Thomson	80	30
<i>Brazeel</i> frigate	Tho. Heath	70	24
<i>Malaga</i> merchant	Henry Collin	90	30
<i>Increase of London</i> ...	Tho. Varvell	100	36
		860	238

Ships under the command of Captain Robert Dennis, gone for Virginia.

<i>John</i>	Robert Dennis	120	32
<i>Guiney</i> frigate	Edmond Curtis	140	32
		260	64 ⁴⁰²

. . . . The charge of the several fleets that are abroad at sea, under the command of Captain Penn, Sir George Aiscue, Captain Apleton, Captain Dennis, Captain Badeley, and Captain Thorowgood; some whereof will be out 18 months, some 15 months, some 12 months, and some 9 months, will amount to the sum of 195,480 l.

The estimate of the whole charge of the summer fleet, and of the ships that are gone into the Streights, the Barbadoes, etc. amounts to the sum of 420,264 l. . . .

Resolved, that this House doth approve of and agree with the Council of State, in the list now presented; and that the Council of State have power to change, from time to time, the commanders or ships, as they shall see cause for the service of the state. (*Ibid.*, pp. 69-70.)

Feb. 17, HC. Sir Wm. Masham reports, from the Council of State, a letter from Sir George Aiscue, dated on board the *Rainbow*, in Maxwell Bay before Barbadoes, 31 *Octobris*, 1651: which was now read.

As also, a letter from aboard the *Rainbow* at sea, in the latitude of the 28.40. no. 1a.

He reports likewise, a declaration sent by Sir George Ayscue to the people in the Barbadoes, dated the 17th of October 1651, from aboard the *Rainbow*: which was likewise read.

And likewise, several intercourses of letters between Sir George Aiscue and the Lord Willoughby; together with his summons to him; and his answer: which were all of them this day read.⁴⁰³ (*Ibid.*, p. 90.)

Feb. 25, HC. Resolved, that it be referred to the Council of State, and that they be impowered, to consider of what places, in parts beyond the seas, are necessary to be taken in, for the security or advantage of the

⁴⁰² Cf. the lists reported Oct. 30, *ante*.

⁴⁰³ The various communications and letters here reported from the Council of State are given in substance in *Cal. St. P. Col.*, 1574-1660, pp. 362 *et seq.* They are printed in full in *Severall Proceedings in Parliament*, no. 125, pp. 1941-1947; and, most of them, in Davis, *Cavaliers and Roundheads of Barbados*, chs. XII, XIII. Briefer references to these operations appear in Whitelocke's *Memorials* (1853 ed.), III. 381, 391-392, 404-405. Barbados surrendered on Jan. 12 or 13, 1652. Davis, *op. cit.*, p. 255.

Commonwealth; and to put the same in execution, as they shall think fit for the publick good. (*Ibid.*, p. 97.)

Mar. 16, HC. An act, prohibiting the planting of tobacco within this Commonwealth, was this day read the first and second time; and, upon the question, committed to the committee of . . . navy. (*Ibid.*, p. 106.)

1652.

Apr. 1, HC. Colonel Thompson reports amendments to the act prohibiting the planting of tobacco in England: which were this day read the first and second time; and, upon the question, assented unto.

The question being put, that this act be ingrossed;

It passed in the negative.

The question being put, that this act pass as a law;

The House was divided.

The yeas went forth.

Sir Arthure Hesilrig, Sir Henry Vane, tellers for the yeas: with the yeas, 28. Colonel Marten, Colonel Morley, tellers for the noes: with the noes, 22.

So it was resolved, by the Parliament, that this act pass as a law.

Ordered, that this act be forthwith printed and published.⁴⁰⁴ (*Ibid.*, p. 112.)

Apr. 23, HC. A letter from the Barbados, of the 27th of February 1651, from Sir George Askue, was this day read.⁴⁰⁵

Another letter, dated the 26th of February 1651.

Mr. Thomas Challoner reports, from the Council of State, a letter from Sir George Askue, from the Barbados, of the 26th of February 1651; with the articles made upon the rendition of the island of the Barbados to the forces of the Parliament of the Commonwealth of England: ⁴⁰⁶ which were this day read.

He also reports a letter from Mr. Daniel Serle,⁴⁰⁷ from the Barbados, of the 18th of February 1651/2: which was this day read.

⁴⁰⁴ Printed in Firth and Rait, *Acts and Ordinances*, II. 580; *Severall Proceedings in Parliament*, no. 132, pp. 2050-2051; an abstract is given in the *Parl. Hist. Eng.*, XX. 126. "The Parliament passed an Act against the planting of Tobacco in England, it tending to the decay of husbandry and Tillage, the prejudice of the English Plantations abroad, and of the Trading, Commerce, Navigation, and shipping of this Nation" (*Mercurius Politicus*, no. 96, p. 1518). The act provided that, after May 1, 1652, it should be unlawful for any person to plant or cure tobacco in England, on forfeiture of 20 s. for every pole or rod of ground planted; and it permitted any person to destroy tobacco planted contrary to the act. Concerning the effects of this law and the difficulties of its enforcement, see Beer, *Origins*, pp. 403-408. A bill was ordered Aug. 15, 1653, and passed Sept. 3, imposing 3 d. upon every pound of tobacco planted in the county of Gloucester and permitting the planters to enjoy the tobacco planted by them that year. *C. J.*, VII. 301, 313.

⁴⁰⁵ A letter of this date to Speaker Lenthall is printed in *Severall Proceedings in Parliament*, no. 135, p. 2098; and in Davis, *Cavaliers and Roundheads of Barbados*, p. 257.

⁴⁰⁶ Printed in Davis, *op. cit.*, pp. 250-255.

⁴⁰⁷ Searle was one of the commissioners associated with Ayscue in the reduction of Barbados. He was left in charge of the government after the latter left the islands. *Cal. St. P. Col.*, 1574-1660, p. 380.

He also reports a letter from Thomas Mudiford, from the Barbados, of the 16th of February 1651: ⁴⁰⁸ which was this day read.

Ordered, that the said several letters and papers be referred to the Council of State, to take the same into consideration. (*Ibid.*, p. 124.)

Apr. 23, HC. Ordered, that Captain Richard Nicholls have the sum of one hundred pounds bestowed upon him for his good service: ⁴⁰⁹ and that it be referred to the Council of State, to see the same forthwith paid to him accordingly. (*Ibid.*)

May 6, HC. Resolved, that a declaration be brought in to-morrow morning, for dispensing with the forfeiture of the act, intituled, An act prohibiting the planting of tobacco in England, for all tobacco that was planted within this Commonwealth, before the 6th of May 1652, for this year only: and that Colonel Marten do bring in the same. ⁴¹⁰ (*Ibid.*, p. 130.)

Aug. 3, ⁴¹¹ HC. Ordered, that the Council of State do make a speedy report, touching the articles of the Barbadoes. (*Ibid.*, p. 160.)

Aug. 18, HC. Ordered, that the articles for the rendition of Virginia be reported, on Friday morning next. ⁴¹²

The House did, this day, take into consideration the articles made upon the surrender of the Barbadoes.

Resolved, that the Parliament doth approve of, and confirm the said articles, provided that the same, nor any thing therein contained, shall not extend to the prejudice of any third person, as to any of the plantations mentioned in the said articles; ⁴¹³ nor to confirm the Lord Willoughby, ⁴¹⁴ or any other person by his authority, in the place of governor or commander of or in any government or command, in any the plantations aforesaid, or elsewhere. (*Ibid.*, p. 166.)

Aug. 24, HC. Resolved, that the report touching Virginia be made on Thursday next, the first business. (*Ibid.*, p. 167.)

Aug. 26, HC. Ordered, that the articles touching Virginia be read, to-morrow morning, the first business. (*Ibid.*, p. 169.)

⁴⁰⁸ *Cal. St. P. Col.*, 1574-1660, pp. 373-374. Sir Thomas Modyford first came to Barbados in the *Achilles*, September, 1647. At first a zealous Royalist, during the siege he declared for Parliament. After the Restoration he was made governor of the islands and, later, of Jamaica, where he died.

⁴⁰⁹ In bringing the news of the surrender of Barbados. On May 6 the Council of State ordered the payment to be made. *Cal. St. P. Col.*, 1675-1676, p. 87.

⁴¹⁰ If the declaration was ever presented no mention is made of it in the *Journals*.

⁴¹¹ On June 3 Governor Searle of Barbados sent to the Council of State a petition, addressed to Parliament, of Isaac Cloake, who had been found guilty of treason and condemned to death. In the petition Cloake confesses that, "excited by overmuch drink, he did extravagantly revile into seditious expressions against their authority, but was innocent in his heart, and no person took notice thereof". He prays for pardon, "that a destitute wife and three small infants may receive some comfort". (*Cal. St. P. Col.*, 1574-1660, pp. 380-381, 386.) There is nothing in the *Journals* to show the petition was presented to Parliament.

⁴¹² Virginia submitted to the parliamentary forces on Mar. 12, 1652. Wertenbaker, *Va. under the Stuarts*, pp. 99-101.

⁴¹³ Printed in Davis, *Cavaliers and Roundheads of Barbados*, pp. 250-255.

⁴¹⁴ Francis, fifth Lord Willoughby of Parham, the royal governor of Barbados when the islands surrendered. He was later imprisoned for plotting with the Royalists, 1655-1656, and in 1663 was again made governor of Barbados and other islands.

Aug. 27, HC. Ordered, that the articles touching the surrendering of Virginia, be taken into consideration on Tuesday morning next, the first business. (*Ibid.*, p. 170.)

Aug. 31, HC. Mr. Love reports, from the Council of State, a copy of a letter from Richard Bennett,⁴¹⁵ Edmond Carew,⁴¹⁶ and William Claiborne,⁴¹⁷ dated at Virginia, 14th of May, 1652, with the copy of the articles agreed on, and concluded, at James-City in Virginia, for the surrendering and settling that plantation under the obedience and government of the Commonwealth of England: which were this day read.⁴¹⁸

⁴¹⁵ A member of the Virginia house of burgesses in 1629 and 1631; commissioner for Warrasquoiack, 1631; and member of the council from 1642 to 1649, when he moved to Maryland, together with other non-conformists (*Va. Mag. Hist.*, III. 53-56). In 1651 he and William Claiborne were conjoined with three commissioners sent out from England, Dennis, Curtis, and Stagg (see next note), in a commission to reduce Virginia under the authority of Parliament. From 1652 to 1655 he was governor of Virginia.

⁴¹⁶ This should be "Curtis", the commander of the *Guinea* frigate, who was to act as commissioner and to command the fleet in the absence or death of Capt. Robert Dennis. Dennis and Thomas Stagg, the other commissioners appointed to reduce Virginia and all the plantations "within the Bay of Chesapeake", were lost on the *John*. For the text of their instructions and for accounts of the expedition, see *Cal. St. P. Col.*, 1574-1660, pp. 360, 361, 376, 386, 387, 388; *Va. Mag. Hist.*, XI. 32-41, XVII. 282-288; Wertenbaker, *Va. under the Stuarts*, pp. 99-101; *Arch. of Md.*, III. 264-272; Steiner, *Md. under the Commonwealth*, pp. 53-65; and the following pamphlets, reprinted in Hall, *Narratives of Early Maryland* (Jameson's *Original Narratives of Early American History*): *The Lord Baltimore's Case* (London, 1653); *Virginia and Maryland, or the Lord Baltimore's Printed Case Uncased and Answered* (London, 1655); Leonard Strong, *Babylon's Fall in Maryland* (1655); John Langford, *Refutation of Babylon's Fall* (London, 1655).

⁴¹⁷ Concerning Claiborne, see note 16, p. 102; and *Magazine of American History*, X. 83.

⁴¹⁸ There were two sets of articles signed at Jamestown Mar. 12—the first, entered into with the general assembly of governor, council, and burgesses; the second, with the governor and councillors. It is pointed out in the *Va. Mag. Hist.* (XI. 36), that the latter articles were made because the governor and council had been the leaders in the opposition to Parliament. At the same time there was also signed an act of indemnity and oblivion to all the colony, "from all words, actions or writings that have been spoken, acted or writt against the parliament or comon wealth of England or any other person from the beginning of the world to this daye". These transactions are printed in full in Hening, *Statutes*, I. 363-368; Hazard, *Hist. Collections*, I. 560-564. The articles with the assembly, before amendment, are given in *Mercurius Politicus*, no. 103, pp. 1615-1617. The articles with the assembly, read below, agreed: 1, that Virginia acknowledge obedience to the Commonwealth, that this submission be a voluntary one not forced by conquest, that the inhabitants enjoy all the privileges of the free-born people of England, and that the former government of the colony be null and void; 2, that the grand assembly shall convene and transact its affairs as formerly, wherein nothing is to be done contrary to the government of the Commonwealth; 3, that there be full remission and indemnity of all acts, words, or writings against the Parliament; 4, that Virginia shall have its ancient limits, and that a new charter be sought from Parliament against any that have intrenched upon the rights thereof; 5, that all patents of land granted by preceding governors shall remain in full force and strength; 6, that the privilege of having fifty acres of land for every person transported shall continue; 7, that the people of Virginia have free trade, and that the colony shall enjoy all privileges equal with any plantation in America; 8, that the colony be free from all taxes, customs, and impositions, without consent of the assembly, and that neither forts nor castles be erected or garrisons maintained without such consent; 9, that no charge be levied on account of the present fleet; 10, that all persons refusing to subscribe to the engagement of Parliament shall have a year's time to remove out of Virginia; 11, that the use of the Book of Common Prayer, with some modifications, be permitted for one year; 12, that no man's cattle shall be questioned as the company's, except such as have been intrusted with them or have disposed of them without order; 13, that all ammunition and arms, other than for private use, be surrendered; 14, that

A letter from Richard Bennett, from aboard the *Guinny* frigate, in Virginia, dated May the 15th, 1652, was this day read.

The humble petition of Cecil Lord Baltimore, and divers adventurers, planters, and traders, into that part of America called Maryland, adjoining to Virginia, was this day read.⁴¹⁹

The first article being read;

Resolved, that the word "there", in the first article, be explained, and made "in England".

And the said article, being so amended, was agreed unto.

The second article, being read, was agreed unto.

The third article, being read, was agreed unto.

The fourth article being read;

Ordered, that this article be referred to the committee of the navy, to consider what patent is fit to be granted to the inhabitants of Virginia: and to hear all parties; and to consider of their particular claims; and report the same, with their opinion, to the Parliament: with power to send for persons, papers, witnesses, and records.

Ordered, that the parchments delivered in, concerning Maryland, be also referred to the same committee.

The fifth article, being read, and put to the question, was agreed.

The sixth article, being read, was, upon the question, agreed.

The seventh article being read;

Resolved, that these words, "that Commonwealth", be explained in these words, "the Commonwealth of England": And the first part of the said article, so amended, was agreed.

Resolved, that the latter clause of the said article, in these words, "and that Virginia shall enjoy all privileges equal with any plantation in America", be committed to the same committee, to be considered of in the patent to be granted to them.

The eighth article being read;

Resolved, that this article be committed to the same committee.

all goods brought to the colony by the Dutch or others which are now on shore shall be free from surprisal; 15, that the quit-rents granted by the late king for seven years be confirmed; 16, that the commissioners and the governor, council, and burgesses engage themselves for the full performance of these articles.

⁴¹⁹ This was a petition against the reincorporation of Maryland into Virginia (*Va. Mag. Hist.*, XVII. 285-288; *Lord Baltimore's Case*, in Hall, *op. cit.*, pp. 178-179; *Arch. of Md.*, III. 279-281). The arguments advanced for retaining the division of the two colonies are: that the Commonwealth may control two colonies better than one, by using the one to keep the other in obedience; that in case of defection in either colony the other may be a place of refuge for the loyal; that the rivalry between the colonies will better satisfy the Commonwealth and the planters; that Baltimore's estate and residence in England give better assurance of the loyalty of Maryland than the Commonwealth could have should the government of that colony be placed in other hands whose interests were entirely there; that Baltimore maintains the deputy governor, thus saving the Commonwealth and the colonists from that expense; finally, that should Baltimore be deprived of his rights, it would discourage others in foreign plantations to adhere to the Commonwealth, since he ordered his officers to declare for it, when all other plantations except New England took an opposite course, for which conduct and for receiving the Puritans his interests were at several times threatened by the colony of Virginia and the Royalists. The articles next read were not parts of Baltimore's petition, as stated in *Va. Mag. Hist.*, XVII. 288, but refer to the articles of surrender of Virginia.

The ninth article, being read, was, upon the question, agreed.

The tenth article, being read, was, upon the question, agreed.

The eleventh article, being read, was, upon the question, agreed.

The twelfth article, being read, was, upon the question, agreed.

The thirteenth article, being read, was, upon the question, agreed.

The fourteenth article, being read, was, upon the question, agreed.

The fifteenth article, being read, was, upon the question, agreed.

Ordered, that the petition of the inhabitants of Virginia, and the papers thereby reported from the Council, be referred to the same committee.⁴²⁰

(*Ibid.*, pp. 172-173.)

Dec. 25, HC. Ordered, that Sir George Aiscue have five hundred pounds in money, out of the prize-ship lately come from the Barbadoes; and that it be referred to the committee of the navy, to see the same forthwith paid to the said Sir George Aiscue, or his assigns: and the acquittance or acquittances of the said Sir George Aiscue, or his assigns, shall be a sufficient discharge to such person and persons as by warrant from the committee of the navy shall pay the same. (*Ibid.*, p. 236.)

1652/3.

Feb. 8, HC. Ordered that the committee of the navy be authorized and required to give order and take care, for the payment of the sum of five hundred pounds, formerly ordered to Sir George Aiscue, out of the sugar-prizes, according to the former order. (*Ibid.*, p. 256.)

⁴²⁰ These papers included, besides the articles of surrender, copies of letters from Bennett in Virginia, May 14, 15, and another the date of which is not given, a petition of the inhabitants of Virginia, and a paper concerning Maryland (*Cal. St. P. Col.*, 1574-1660, p. 387; *Va. Mag. Hist.*, XVII. 286). Further, on this subject, see *ibid.*, p. 355; *Lord Baltimore's Case: Virginia and Maryland*, especially pp. 209-217, in Hall's *Narratives of Early Maryland*, for report of the committee of the navy, Dec. 31, 1652.

COMMONWEALTH: NOMINATED PARLIAMENT.

*Session of July 4–December 12, 1653.*¹

1653.

Nov. 29, HC. An additional act, for the payment of the duty of excise for English tobacco, was this day read the first and second time.²

Ordered, that Mr. Broughton and Mr. Moyer do withdraw; and prepare a proviso, upon the debate of the House, to be added to this bill

The House proceeded on the debate, upon the list brought in by the committee, of all rates of excise of foreign goods imported.

Resolved, by the Parliament, that for every pound of tobacco, which is not of the English plantations, as well already imported, and remaining in the hands of the merchant or importer, as to be imported, to be paid by the first buyer, 1 s.

For every pound of tobacco, of the English plantations, and as well imported, and remaining in the hands of the importer, as to be imported, to be paid by the first buyer, 2 d.

For pepper, sugars, refined, white, brown muscovadoes, candy white and brown, all other groceries, upon every twenty shillings value, to be paid by the first buyer, 1 s. (*C. J.*, VII. 359-360.)

¹ Concerning the expulsion of the Long Parliament by Cromwell, Apr. 20, *cf.* Firth, in the *Eng. Hist. Rev.*, VIII. 526, with the popular accounts of the standard histories. After the dissolution, the army replaced the Council of State by a provisional council with Cromwell at the head, who nominated an assembly to meet at Westminster, July 4. This assembly declared itself a Parliament on July 6 (*C. J.*, VII. 282). This Nominated, Little, or Barebones Parliament, as it is variously called, resigned its power to Cromwell on Dec. 12. *Ibid.*, p. 363.

² This act was not passed.

PROTECTORATE: FIRST PARLIAMENT.

Session of September 3, 1654–January 22, 1654/5.

1654.

Sept. 6, HC. . . . Then the Lord Protector's speech to them was taken into consideration; and amongst the particulars thereof, the foreign negotiations were mentioned, and particularly that of Swedland.¹

Which caused me [Bulstrode Whitelocke]² to make the following relation:

Mr. Speaker.

. . . . They³ are sensible that the increase of trade increaseth their mariners and shipping, which increaseth their trade; and not only their merchants but their great men engage in a way of trade for the encouragement of it; and finding the sweetness and profit in it.

They already send ships, and plant in the West Indies, and have begun a trade with their native commodities to most parts where trade is to be had, and will in a short time become considerable for trade; and the more by the plenty of their copper, iron, deal, pitch, and tar, which now they export themselves, and know how necessary they are for other nations, and how profitable it is for them to be their own merchants. . . . (Whitelocke, *Memorials of the English Affairs*, IV. 137, 141; ⁴ *Parl. Hist. Eng.*, XX. 335, 340.)

Oct. 12, HC. Resolved, by the Parliament, that it be referred to a committee, to call before them the company of Greenland and Eastland merchants; and thereupon to consider how and in what manner there may be a present supply of whale oil for this nation; and how the trade of fishing for whales may be regulated for the advantage of the Commonwealth; and report their opinion.⁵

Resolved, that it be referred to the committee, to whom the business for transportation of corn is referred: ⁶ and Mr. Lilburne, Lord Commissioner Widdrington, Alderman Riccards, Sir Henry Vane, Lord Lambert, Mr. John Ash, Mr. Beale, Mr. Tho. Gorges, Mr. Minors, Mr. Wm. Lister, Commissary General Whaley, Colonel John Birch, Mr. Stephens, Mr. Brandlin, Captain Howard, Mr. Long, Mr. Dun, Mr. Goff, Mr. R. Cheshire, Sir Anth. Ashley Cooper, Mr. Grove, Mr. Wakering, Mr. Thelwall, Colonel Wastell, Sir Charls Wolsley, Lord Broghill, Alderman Dicken-

¹ Sweden.

² One of the commissioners of the great seal; ambassador to Sweden 1653-1654, where he conducted negotiations for a treaty of amity.

³ The Swedes.

⁴ Oxford edition, 1853. The account in the *Parliamentary History* is taken from the same authority.

⁵ Concerning the state of this trade at this time, see Scott, *Joint-Stock Companies*, II. 72-75.

⁶ *C. J.*, VII. 374.

son, be added to that committee: and they are to meet upon this business this afternoon, at two of the clock, in the same place where they sat.

The question being propounded, that it . . . referred to a committee, to review, and take into consideration, the act for increase of shipping, and encouragement of the navigation of this nation;

And the question being put, that that question be now put;

It passed with the negative.

The question being propounded, that there be a grand committee of the whole House for trade;

And the question being put, that that question be now put;

It passed in the affirmative.

And the main question being put; it was

Resolved, that there be a grand committee of the whole House for trade.

Resolved, that the grand committee for trade do sit in the House every Tuesday in the afternoon. (*C. J.*, VII. 375-376.)

PROTECTORATE: SECOND PARLIAMENT.

Session of September 17, 1656–June 26, 1657.

1656.

Sept. 30, HC. Mr. Shapcot reports from the committee, to whom the business touching some prisoners condemned for treason, etc. was referred, that they have received several petitions from several prisoners, of that nature; *viz.*

He likewise reports the humble petition of Humfry Frodsham gentleman, with the opinion of the committee, that it appeared unto them, that the said Humfry Frodsham, for divers years last past, hath lived as a loose and profane person, and hath been formerly suspected for coining of money: but it likewise appeared that the said Humfry Frodsham formerly hath been in the Parliament's service; and he now stands upon a reprieve given him by his Highness;¹ which is near expired; and it is the opinion of this committee, that the said Humfry Frodsham is not a fit person to receive the mercy of this Parliament. . . .

The question being propounded, that the House doth concur with the committee, that the said Henry [*sic*] Frodsham is not a fit object for mercy and pardon;

And the question being put, that that question be now put;

The House was divided.

The noes went forth.

Mr. Bond, Colonel Fitz James, tellers for the noes: with the noes, 90.

Sir Gilbert Pickering, Lord Strickland, tellers for the yeas: with the yeas, 97.

So it passed in the affirmative.

And the main question being put, that the House doth concur with the committee, that Humfry Frodsham is no fit object of mercy and pardon;

The House was again divided.

The yeas went out.

Attorney General,² Mr. Recorder,³ tellers for the noes: with the noes, 107.

Colonel Purefoy, Mr. Solicitor,⁴ tellers for the yeas: with the yeas, 78.

So it passed in the negative.

Resolved, that the said Humfry Frodsham be sent into America; and that security be taken for his not returning; and for the security of the person that did discover him: and that the business of the security be referred to the same committee: and that his Highness the Lord Protector be moved, that he will be pleased in the meantime to reprieve him. (*C. J.*, VII. 430.)

¹ *Cal. St. P. Dom.*, 1656-1657, pp. 78, 81, 99; for earlier references see *id.*, 1651, pp. 246, 401.

² Sir Edmund Prideaux, 1649-1659.

³ Sir Lislebone Long.

⁴ Sir William Ellis.

Oct. 2, HC. Mr. Secretary Thurloe⁵ reports, from his Highness the Lord Protector, several letters of intelligence from the fleet;⁶ *viz.*

A letter from General Blake and General Mountagu, from on board the *Nasby*, in the Bay of Wyers,⁷ of the 19th of September 1656.

A letter from Captain Richard Stainer, from on board the *Speaker*, of the 9th of September 1656; giving an account, that he, with some other ships of the fleet, met with the King of Spaine's West India fleet and some merchant ships; and had taken two of them.

A relation of the names of the chieftest commanders and persons taken in the two ships, and other two sunk and burnt, by six sail of frigates, under the command of General Blake, the 10th of September 1656.

A letter from General Mountague, dated September 19, 1656, with a paper inclosed, giving a further relation: which were all read.⁸

Ordered, that the said letters and papers be delivered back again to Mr. Secretary: and they were accordingly delivered.

Resolved, that a day of thanksgiving be appointed to bless the Lord for the great mercies by Him vouchsafed to this Commonwealth, in the success given to some of their ships, against the fleet of the King of Spaine, coming from the West Indies, on the 8th of September last.

Ordered, that Wednesday next be the day set apart for a day of thanksgiving for this House; to be observed also within the cities of London and Westminster, and all places within the late lines of communication. . . .

Ordered, that the fifth of November be appointed as a day of publick thanksgiving throughout England, Scotland, and Ireland, for the great mercies which the Lord hath vouchsafed to this Commonwealth in the success of part of their fleet against the Spanish West India fleet. . . . (*Ibid.*, p. 432.)

Nov. 8, HC. Mr. Downing⁹ reports from the committee for trade, that the said committee desire, that they may have leave to bring in a bill for selling fish to strangers; and to permit strangers to transport the said fish beyond seas.

⁵ John Thurloe was appointed secretary of the Council of State in 1652. His *Collection of State Papers* in seven volumes (1742), is one of the chief authorities for the history of the Protectorate.

⁶ The war with Spain grew out of Cromwell's demand that Spain give England freedom of trade in the West Indies and South America, and exempt English merchants from the operations of the Inquisition. Cromwell desired also to expand the British possessions, and part of his scheme was to people the American colonies taken from Spain with settlers from New England. See Frank Strong, "The Causes of Cromwell's West Indian Expedition", in *Am. Hist. Rev.*, IV. 228; "A Forgotten Danger to the New England Colonies", by the same, in *Am. Hist. Assoc., Annual Rept.*, 1898, pp. 89-94; C. H. Firth, *The Last Years of the Protectorate, 1656-1658*, I. 49-55; cf. Newton, *Colonising Activities of the English Puritans*, pp. 320-326.

⁷ Vejer de la Frontera, near Cadiz.

⁸ These letters are printed in Thurloe, *op. cit.*, V. 399, 400, 432-435. From them the official account was compiled: *A True Narrative of the Success which it hath pleased God to give to some Part of the Fleet of this Commonwealth upon the Spanish Coast against the King of Spain's West India Fleet* (folio, 1656). C. J., VII. 440.

⁹ M. P. for Carlisle and Haddington boroughs. Downing had lived in New England, having come to America in 1638. He was a nephew of the elder John Winthrop, and was one of the first class graduated by Harvard College. Leaving Massachusetts, he went to the West Indies, thence returning to England. Under Cromwell and Charles II.

Ordered, that the committee for trade have leave to bring in an act for selling fish to strangers; and to enable strangers to transport fish beyond seas. (*Ibid.*, p. 451.)

Nov. 14, HC. Capt. Baines reports, from the committee for excise and customs, the opinion of the said committee,

That it be also reported to the Parliament, that the excise of all tobacco, of the English plantations, be reduced from three-pence to a peny the pound; and that thereupon no view or allowance be made for, or in respect of, the said tobaccoes.

Ordered, that the further debate on this report be adjourned till to-morrow morning. (*Ibid.*, p. 453.)

Nov. 15, HC. The House this day resumed the debate adjourned yesterday, upon the report from the committee for excise and customs.

Resolved, that the excise of all tobacco of the English plantations be reduced from three-pence to a peny the pound; and that thereupon no view or allowance be made for or in respect of the said tobacco.

Ordered, that it be referred to the same committee who brought in this report, to bring in a bill or bills for altering the rates of the customs in these particulars, according to these resolutions; and report the same to the House.

Resolved, that this committee have power to bring in a bill or bills for settling a book of rates for the excise, and for the altering of the customs and excise in the particulars aforesaid; and for the better improving of the excise and customs.

Resolved, that all such tobacco for which excise hath not been paid, shall be within the said vote for reducing the excise thereof to one peny in the pound. (*Ibid.*, p. 454.)

Nov. 21,¹⁰ HC. Mr. Downing reports from the committee for trade, a bill giving liberty for transporting fish: which was this day read the first time; and ordered to be read the second time on this day sevensnight. (*Ibid.*, p. 456.)¹¹

Nov. 29, HC. Resolved, that the bill for liberty to transport fish in foreign bottoms be read on Saturday next. (*Ibid.*, p. 461.)

Dec. 9, HC. An additional bill for increase of shipping and navigation, was this day read the first time; and, upon the question, ordered to be read the second time to-morrow morning. (*Ibid.*, p. 466.)

Dec. 17, HC. Resolved, that the additional bill for encouragement for trade and navigation, be read the second time to-morrow morning. (*Ibid.*, p. 469.)

he held numerous administrative and financial offices, notably, envoy to the Hague and commissioner of customs. Sir George Downing's influence on colonial legislation was considerable. As will be seen in subsequent entries, his name is prominently connected with every statute affecting trade with the American colonies. He died in 1684. Beer, *op. cit.*, pt. I, vol. I, pp. 9-11; Mass. Hist. Soc., *Collections*, fourth ser., VI. 536 n.

¹⁰ Misprinted the 18th in the *Journals*.

¹¹ On Nov. 25 an act was passed which greatly decreased the list of articles whose exportation had been prohibited, such as arms, if shipped to any friendly parts, grain, cattle, etc. Geldings, if exported by a native to the colonies in English shipping, were to pay 10 s. *Acts and Ordinances*, II. 1043; *C. J.*, VII. 447, 449, 455, 458.

Dec. 18, HC. A bill, intituled, An additional act for encouragement of trade and navigation, was this day read the second time; and, upon the question, committed to the committee for trade. (*Ibid.*, p. 470.)

1656/7.

Jan. 1, HC. An additional bill for the better improvement and advancing the receipts of the excise, and new impost, was this day read the first time; and ordered, upon the question, to be read the second time upon Tuesday morning next. (*Ibid.*, p. 478.)

Jan. 2, HC. A bill for transporting of fish in foreign bottoms, was this day read the second time; and, upon the question, committed to the committee of trade. (*Ibid.*)

Jan. 2, HC. A bill touching the exportation of fish, was read the second time.

It had no title, and a great many blanks for customs to be paid, so much for poor John,¹² and the like, etc.

Mr. Speaker¹³ said, there are a great many blanks but no brief. I think I must read the whole bill, but, shortly, opened it and threw it from him.

Captain Hatsel and Mr. Fowell,¹⁴ urged that it was for the benefit of the nation, and advance of the fish trade, to give liberty for a time to export it, in regard it was much wanted in Spain, where our vessels could not come, and the bill limited it to a time.

Resolved, that this bill be committed to the committee of trade. (*Diary of Thomas Burton*, I. 296.)¹⁵

Jan. 6, HC. An additional bill for the better improvement and advancing the receipts of the excise and new impost, was this day read the second time; and, upon the question, committed to a grand committee of the whole House.

Ordered, that this House be resolved into a grand committee upon this bill on Thursday next.

¹² Editor's note in original, "The name of a fish".

¹³ Sir Thomas Widdrington.

¹⁴ Henry Hatsell and John Fowell, both of the county of Devon.

¹⁵ Edited by John T. Rutt. The full title reads: *Diary of Thomas Burton, Esq. Member in the Parliaments of Oliver and Richard Cromwell, from 1656 to 1659: now first Published from the Original Autograph Manuscript. With an Introduction, Containing an Account of the Parliament of 1654; from the Journal of Guibon Goddard, Esq. M. P. also now first Printed* (London, 1828). It was printed from Burton's original note-books, then in the possession of Mr. Upcot, of the London Institution. In vol. I., pp. 341-342, Burton has the following to say concerning his habit of taking notes: "Mr. Robinson asked me this morning, before the Speaker came, if I took notes at Scot's Committee: I said yea. He told me he had much ado to forbear moving against my taking notes, for it was expressly against the orders of the House. I told him how Mr. Davy took notes all the Long Parliament, and that Sir Symons D'Ewes wrote great volumes; as well his own speeches as other men's, when he was prevented in speaking. I said, 'How should young men learn arguments without their notes'; but I answered civilly. He said Mr. Solicitor Ellis was highly ruffled one time for taking notes, and was commanded to tear them in the face of the House. 'It takes away', quoth he, 'the freedom and liberty of men's speaking, for fear their arguments be told abroad. It was well known at Oxford that Mr. Robinson never spoke any thing against the king', and a great deal to this purpose, which I evaded as well as I could."

Ordered, that, every Tuesday and Thursday, in every week, the House be resolved into a grand committee, to take this bill into consideration, until this bill be finished. (*C. J.*, VII. 479.)

Jan. 8, HC. The House, according to former order, was resolved into a grand committee, upon the additional bill for the better improvement and advancing the receipts of the excise and new impost.

Mr. Speaker left the chair.

Mr. Fowell took the chair. (*Ibid.*, p. 480.)

Jan. 8, HC. The order for the grand committee read. . . .

Resolved, that every pound of Spanish tobacco pay 12 *d.* And every pound of English plantations 1 *d.* Resolved to agree to this clause. . . .¹⁶ (*Diary of Thomas Burton*, I. 325.)

Feb. 17, HC. A bill for the continuing and establishing the subsidy of tonnage and poundage, was this day read the first time; and, upon the question, ordered to be read the second time on this-day-sevennight.¹⁷ (*C. J.*, VII. 493.)

Mar. 9, HC. Colonel Cock reports, from the committee for trade, amendments to the additional bill for encouragement of trade and navigation: which were twice read; and, upon the question, assented unto: and the said bill, upon the question, re-committed to the same committee for trade: and that the said committee do take into their consideration the act for advancement of trade and navigation; and to offer such things to the House, either for amendment or alteration of that act, as they shall think fit.¹⁸ (*Ibid.*, p. 500.)

Mar. 16, HC. Ordered, that the petition of Mr. Bullock be read tomorrow morning.¹⁹ (*Ibid.*, p. 504.)

Mar. 24, HC. Ordered, that Mr. Bullock's petition be read on Saturday next. (*Ibid.*, p. 510.)

1657.

Mar. 27, HC. Mr. Downing reports from the committee to whom the bill giving licence for transporting fish in foreign ships and bottoms . . . :²⁰ which were twice read; and, upon the question, agreed unto.

Ordered, that this bill be ingrossed. (*Ibid.*, p. 513.)

Mar. 30, HC. The humble petition of Edward Bullock, gentleman, an inhabitant of New England, was this day read.

Resolved, that this petition be referred to a committee, to hear all the parties concerned; and to state the matter of fact; and to report it to the

¹⁶ Further orders for the grand committee to sit in consideration of this bill were made Jan. 12, 23, Feb. 17, Mar. 2, 30, Apr. 3, May 21, 30, June 2. *C. J.*, VII. 480, 482, 493, 498, 515, 519, 537, 543, 545.

¹⁷ This bill, which was passed June 23, continued the ordinance of Dec. 16, 1646, and provided that after Aug. 1, 1657, all gingers and sugars of the English plantations should be rated, 20 s. per hundredweight for ginger, and £5 for sugar. Scobell, *Collec-tions of Acts and Ordinances*, II. 384; Firth and Rait, *Acts and Ordinances*, II. 1123. See p. 244, *post*.

¹⁸ No further report was made.

¹⁹ See p. 220, note 386, *ante*.

²⁰ This gap is in the *Journals*; as the text shows, the omission doubtless concerned amendments proposed by the committee.

House: *viz.* to Colonel Carter, Colonel Zanchy, General Desbrough, Major-General Goff, Major-General Boteler, Mr. Fowell, Mr. Attorney-General, Lord Commissioner Whitelock, Mr. Bacon, Mr. Reynell, Captain Blackwell, Colonel Harvey, Mr. Bedford, Mr. Ash, Mr. Aldworth, Major Beake, Provost of Edinburgh,²¹ Major Burton, Mr. West, Captain Lilborne, Sir John Thoroughgood, Mr. Bond, Mr. Burton, Colonel Blake, Mr. Waterhowse, Mr. Throckmorton, Mr. Smyth, Colonel Cooper, Colonel Mathews, Colonel Grosvenor, Mr. Sheild, Mr. Carey, and all the gentlemen of the long-robe:²² with power to send for persons, witnesses, papers, and records: and they are to meet on Wednesday in the afternoon, in the Inner Court of Wards. (*Ibid.*, p. 514.)

May 28, HC. Mr. Downing reports amendments to the bill for the better suppressing of theft upon the borders of England and Scotland, and securing the good and honest people against all felonies, and other misdemeanors, daily committed in these parts: which were twice read; and, upon the question, assented unto.

Resolved, that the blank, not to return after transported to some of the plantations, be filled up with the word "seven".

Resolved, that the blank for the penalty be filled up with the word "felony".

Resolved, that this bill, thus amended, shall be ingrossed.²³ (*Ibid.*, pp. 540-541.)

May 30, HC. A bill for continuing and establishing of the subsidy of tonage and poundage, was this day read the second time: and, upon the question, committed.

Ordered, that this bill be referred to a committee of the whole House.

Resolved, that this House be resolved into a committee of the whole House, upon this bill, on Monday, at ten of clock. (*Ibid.*, p. 542.)

May 30, HC. Resolved, that the door be shut, till the bill for transporting fish in foreign bottoms be read.

A bill, giving licence for transporting fish in foreign bottoms, was this day read the third time; and, upon the question, passed.

Ordered, that the Lord Protector's consent be desired to this bill. (*Ibid.*, p. 543.)

May 30, HC. *Mr. Downing:* There is a very short bill ingrossed, touching exporting fish. I move that it may be read.

²¹ Sir Andrew Ramsay, 1654-1657.

²² Lawyers. No report was made on this petition, the nature of which is not disclosed. On May 9 and June 1 additions were made to this committee. *C. J.*, VII. 532, 543.

²³ This act provided that a list be kept by the justices of the peace of irresponsible persons in each county, who were to give security for their good behavior. In default of such security they were to be committed, or transported to some plantation in America from which they were not to return in seven years, under penalty of felony. (Firth and Rait, *Acts and Ordinances*, II. 1263-1264.) The bill was read Nov. 29, 1656, committed Dec. 4, further amended June 16, and passed June 23 (*C. J.*, VII. 461, 464, 558, 570-571, 577). Banishment to America, or into some other parts beyond the seas, was also provided in the act for the attainder of rebels in Ireland, in cases of children and kindred of persons attainted, who failed to transplant themselves within six months into the province of Connaught and county of Clare (Firth and Rait, *op. cit.*, II. 1258). This act was read Jan. 21, committed Mar. 30, reported June 17, and passed June 25 (*C. J.*, VII. 480, 481, 488, 515, 559, 571, 573, 574).

Mr. Speaker was unwilling to hear the motion; yet the question being put, that the bill for poor-john²⁴ shall be now read, it was moved that the door might be shut.

Mr. Speaker moved and put the question, that the door should be shut while the bill for poor-john was read.

It was resolved accordingly, and *Mr. Secretary*²⁵ offering to go out, the sergeant stayed him upon this vote. The bill was read the third time, and passed without any debate. Only

Major Beake moved to know if this did not give a liberty to Flanders and our enemies, to fetch fish in their own bottoms.

Mr. Fowell explained. The design of the bill is to furnish the people of Spain with fish, which were always our best chapmen for it. It will stink on our hands else. Besides, this bill is but to continue till December 1659, and the fishing to the Newfoundland is the very nursery of our seamen, which, without this bill, would infinitely fail and decay. (*Diary of Thomas Burton*, II. 164-165.)

June 1, HC. The House, according to former order, was resolved into a committee of the whole House, upon the bill for tonage and poundage.

Mr. Speaker left the chair.

The said committee of the whole House not agreeing who should take the chair,

Mr. Speaker again resumed the chair.

Resolved, that Captain Baines be in the chair of the grand committee upon the bill for tonage and poundage.

Mr. Speaker left the chair.

Captain Baines took the chair.

Mr. Speaker resumed the chair.

Captain Baynes reports from the grand committee, that they desire to sit to-morrow, at two of clock in the afternoon.

Resolved, that the said grand committee do sit to-morrow, at two of clock in the afternoon.²⁶ (*C. J.*, VII. 543.)

June 9, HC. *General Montagu*: I move to leave the bill for exportation of fish behind you, at this time. I have a petition in my hands against it, wherein it appears that it is destructive to trading.

Captain Hatsel: If petitions can prevail, I have two or three petitions for the bill. It does so concern your greatest trade, that is fishing, and your navigation, that you cannot suspend it without great prejudice.

So this bill was also ordered to be presented; and another question put, both upon this and the other bills, as to passing of it, and deferring his Highness's consent, notwithstanding the former votes to that purpose when the bill first passed. (*Diary of Thomas Burton*, II. 204-205.)

June 9, HC. The titles of the bills whereunto his Highness gave his consent this day, were as followeth: . . .

²⁴ Editor's note in original: "See Vol. i, p. 296 [see p. 239]. When the island of Jersey surrendered to Blake, in 1651, 'sixty-thousand weight of poor-john' were among the stores in the castle. *Life of Blake*, p. 44."

²⁵ Thurloe.

²⁶ Orders for meetings of this committee are entered June 2, 5, 15. *C. J.*, VII. 545, 546, 558.

An act for giving license for transporting fish in foreign bottoms. . . .
(*C. J.*, VII. 552.)

June 16, HC. Mr. Fowell reports from the committee to whom the bill for excise was committed, amendments to the said bill: which were twice read; and, upon the question, agreed. . . .

Resolved, that, instead of "the 25th of March", for the beginning of the rates, the words "the 24th of June 1657" be inserted in the several places in this bill: and that Mr. Fowell, Captain Baines, and Mr. Noell, do see the same so amended, accordingly.

Resolved, that this bill, thus amended, shall be ingrossed. (*Ibid.*, pp. 558-559.)

June 16, HC. Resolved, that the House be now resolved into a grand committee, upon the bill for the customs. . . .

Mr. Speaker left the chair.

Captain Baines took the chair. (*Ibid.*)

June 17, HC. Captain Baines reports from the grand committee to whom the bill for the customs was referred, amendments to the said bill: which were twice read and the bill, with these amendments, ordered to be ingrossed. (*Ibid.*, pp. 559-560.)

June 22, HC. An additional bill for improving the excise, or new impost, was this day read the third time. . . .

Resolved, that these words, "twelve-pence in every twenty shillings, as they are valued to pay customs", be added in the last clause in the bill²⁷

A clause was tendered to this bill, in these words; *viz.* "And be it further enacted, by the authority aforesaid, that no merchant or importer whatsoever, of any goods or commodities, who have any accompts depending in the office of excise, under which his or their habitations are, and shall not, from time to time, clear his or their accompts, according as is directed by this act, or any other act, ordinance, or order, relating to the excise; or that have not visible estates, whereby to pay and satisfy the duty of excise, for the goods by him or them imported; shall be permitted to pass his or their entries at the custom-house, for the commodities he or they shall from time to time import into any port, haven, creek, or member within this Commonwealth, by his or their firme, or signature, or have credit for the excise, or such goods so imported, without first giving bond, with approved sureties, for the due payment of the duty of excise for such goods or commodities he shall from time to time import, as aforesaid": which was read the first time;

And the question being put, that this clause be read the second time; It passed with the negative.

Another proviso was tendered to this bill, in these words; *viz.* "Provided always, that the said commissioners for appeals, and regulating the excise, shall not indemnify any person or persons whatsoever, whether commissioned or not commissioned, for any act or thing by him or them

²⁷ "All other goods imported, not herein mentioned, to pay excise, according to the true value, *viz.*, twelve pence in every twenty shillings, as they are valued to pay customes."

done, or to be done or executed, in relation to the excise; for the doing or executing of which act or thing he or they shall not be fully authorized by and according to this present act, or some other acts and ordinances continued by this act; anything in this present act to the contrary thereof in any wise notwithstanding": which was read the first time.

Resolved, that this proviso be read the second time.

The said proviso was read the second time.

Resolved, that this proviso shall be part of this bill

And the said bill, thus amended, being put to the question, passed.

Resolved, that this bill be tendered to his Highness the Lord Protector, for his consent.²⁸ (*Ibid.*, pp. 568-569.)

June 23, 1660. A bill, intituled, An act for continuing and establishing the subsidy of tonage and poundage was this day read the third time.

Resolved, that these words, "one thousand six hundred fifty-and-seven", be added in the bill, next after the word "August" in the 15 folio. . . .²⁹

Another proviso was tendered, in parchment, to be added to this bill, in these words; *viz.* "Provided always, and it is hereby enacted, that the several merchants of this nation shall have wastage and convoys for their ships and vessels from time to time, as hath been anciently accustomed, upon, and in consideration of, the grants of customs by Parliament": which was withdrawn.

Another parchment, with these words; *viz.* "and, for the safeguard of the seas, the convoy of merchants ships and goods, and the securing of trade"; to be inserted in the preamble of the bill, next before the words "do enact": which was twice read; and, upon the question, ordered to be part of the bill. . . .

Another proviso was tendered to this bill; "That it may be lawful for any ship that shall stop at any port of this Commonwealth, being bound to any port beyond the seas, to dispose of any part of their lading, paying custom; and so to proceed in their voyage", etc.: which was read.

And the question being put, that this proviso be read the second time; It passed in the negative. . . .

Ordered, that such gentlemen as have provisoes to offer to this bill, do deliver them in to the clerk, sitting the House, and laid upon the table; and that no other shall be received afterwards. . . .³⁰

Another proviso was tendered to this bill, in these words; *viz.* "Provided always, that this act, and the several powers and authorities hereby

²⁸ This act, which reduced the excise on colonial tobacco from 3 *d.* to 1 *d.* a pound as opposed to one shilling levied on the foreign product, is printed in Firth and Rait, *Acts and Ordinances*, II. 1186; Scobell, *Collections*, II. 513. On June 26 another act was passed for the improvement of the revenues of the customs and excise, authorizing and empowering a committee of Parliament to contract for the farming of the duties mentioned in this act and in the following act, for continuing and establishing the subsidy of tonnage and poundage. (*C. J.*, VII. 576, 577; Firth and Rait, *loc. cit.*, p. 1268.) Acts continuing the receipt of the excise and new impost customs and subsidies from time to time, until June 24, 1660, were passed Sept. 28, Dec. 27, 1659, Feb. 25, 1659/60. *C. J.*, VII. 784, 786, 787, 788, 797, 798, 848, 850, 852-853.

²⁹ This is in the clause of the act pertaining to ginger and sugar of plantation growth.

³⁰ Further consideration of the bill was here ended until after noon.

granted, confirmed, or established, shall be and continue in force, for and during the life-time of his Highness the present Lord Protector of this Commonwealth, and for one year after his decease, and no longer": which was this day read the first time.

And the question being put, that this proviso shall be read the second time;

It passed with the negative. . . .

A rider, in parchment, was tendered to this bill, in these words; *viz.* "into foreign parts beyond the seas": which was twice read.

Resolved, that these words be added, and made part of this bill, next after the word "appertaining", in the last line save two of the sixteenth folio.

And the said bill, so amended, being put to the question, passed.

Resolved, that this bill be tendered to his Highness the Lord Protector, for his consent. (*Ibid.*, pp. 569-570.)

June 26, HC. The Speaker, with the whole House, repaired to the Painted Chamber, to present the bills to his Highness. . . .

An additional act for the better improvement and advancing the receipts of the excise, and new impost.

An act for continuing and establishing the subsidy of tonage and poundage. . . . (*Ibid.*, p. 577.)

Session of January 20-February 4, 1657/8.

1657/8.

Jan. 21, HC. Mr. Speaker made report to the House of the speech made yesterday by his Highness the Lord Protector, in these words; *viz.*

My Lords, and Gentlemen the House of Commons

You know very well, the first declaration after the beginning of this war, that spake to the life, was a sense held forth by the Parliament, that, for some succession of time, designs were laid to innovate upon the civil rights of the nations; to innovate in matters of religion: and those very persons, that, a man would have thought, should have had the least hand in the meddling with civil things, did justify them all; all transactions that were in pulpits, in presses, and otherwise: which was verily thought would have been a very good shelter to them, to innovate upon us in matters of religion also; and so to innovate, as to eat out the core, and power, and heart, and life, of all religion, by bringing on us a company of poisonous popish ceremonies, and imposing them upon those that were accounted the Puritans of the nation, and professors of religion amongst us; driving them to seek their bread in an howling wilderness; as was instanced to our friends, who were forced to fly for Holland, New-England, almost any-whither, to find liberty for their consciences. . . . (*C. J.*, VII. 579.)

Jan. 28, HC. Resolved, that the late act of this present Parliament, touching the trade of fishing, be referred to the committee of trade; to look into it, and give an account thereof to this House; and that they do also consider of the bonds that have been taken, for payment of the duty

appointed to be paid by Englishmen, by the said act: and to meet this afternoon, in the usual place; and make their report herein, to the House, on Saturday morning: and that process be forborne to be issued upon the recognizances taken in his Highness' exchequer, upon any writs of delivery sued forth from thence, upon any seizure of the said fish, for not payment of the said duty by Englishmen. (*Ibid.*, p. 588.)

Jan. 30, HC. Colonel Cock reports from the committee of trade, to whom, by order of the twenty-eighth of January instant, it was referred to look into the act of this present Parliament giving licence for transporting fish in foreign bottoms; and to give an account thereof to the House; and to consider of the bonds taken for payment of the duty appointed by the said act, by Englishmen; and the recognizances entered into, in his Highness' exchequer, upon writs of delivery issued from that court upon seizures of the said fish; the opinion of the said committee, that the said bonds and recognizances may be cancelled, and made void; there being no former law nor usage requiring the same.

An act, intituled, An act, giving licence for transporting fish in foreign bottoms, was this day read.

Resolved, that this House doth agree with the said committee, that all bonds taken of English merchants, for any duty to be paid by them by virtue of the late act of this present Parliament giving licence for transporting fish in foreign bottoms, for any fish laden by any such English merchants lading any fish in the bottoms of this Commonwealth, and manned with the people of the same, be made void, and delivered up to the respective persons, who have entered into any of the said bonds, their heirs or assigns, to be cancelled; and that all recognizances entered into, in his Highness' exchequer, by any persons, upon any writ or writs of delivery issued out of the said court, for restoring any fish, or ships laded by English merchants, in any the bottoms of this Commonwealth, and manned with the people of the same, for not payment of the duty by the aforesaid act appointed to be paid by Englishmen, be likewise made void, and cancelled.

Colonel Cock further reported from the said committee, a bill giving licence for transporting fish in foreign bottoms, and for foreigners to lade fish in ships and bottoms of this Commonwealth, manned with the people of the same: the which was this day read the first time.

Resolved, that this bill be read again the second time on this day seven-night.¹ (*Ibid.*, p. 590.)

¹ Before this day arrived Cromwell had dissolved the Parliament. The bill was again introduced on the first day of the next Parliament.

PROTECTORATE: PARLIAMENT OF RICHARD CROMWELL.

January 27, 1658/9–April 22, 1659.

1658/9.

Jan. 27, HC. As soon as Mr. Speaker ¹ was sat down again in the chair, the clerk ² presented to him a bill, read the first time at the meeting after the adjournment of the last preceding Parliament; the which was intituled, An act giving licence for transporting fish in foreign bottoms, and for foreigners to lade fish in ships and bottoms of this Commonwealth, manned with the people of the same: which Mr. Speaker informed the House of, and presented to be now read: and the said bill was this day read the first time. (*C. J.*, VII. 594.)

Feb. 17, HC. According to the order made yesterday, Mr. Sherwyn delivered in to the House, from the commissioners of the treasury, several states of accompts of the treasury, under their survey and jurisdiction: the titles whereof were read; and were as followeth; *viz.*

7. An accompt of the arrears, due to the officers and soldiers, upon the island of Jamaica, according to the establishment of his Highness and council for that army; as appears by the last musters, returned from thence, in December and February 1657. . . . ³ (*Ibid.*, p. 604.)

Mar. 24, HC. (Committee of grievances.) There was, towards night, a petition preferred on behalf of one Rivers, and one Foyle, and seventy persons sold into slavery in the Barbadoes by the major-generals.

The petition concerned several members, as namely, Captain Hatsell, Sir John Coplestone, and Mr. Noell. Therefore, the committee thought fit to proceed no farther in it, but report the petition to the House.

Another petition was presented to the same purpose by one Rowland Thomas, wherein Mr. Secretary was concerned, as to committing him to the Tower, and Mr. Noell in selling him into slavery. (*Diary of Thomas Burton*, IV. 253.)

1659.

Mar. 25, HC. Mr. Terill reports from the grand committee of grievances and courts of justice, the petition of one Marcellus Rivers, and Oxenbridge Foyle, as well on the behalf of themselves, as of threescore and ten more free-born people of this nation, now in slavery: and that one Mr. Collyns, who presented the petition, was called into the committee, and avowed the petition; and alleged, that he had direction from Mr. Rivers, and had power from him, to sign the said petition. He further, by order of the grand committee, reported, the petition of one Rowland

¹ Chaloner Chute, of Middlesex. He died before the end of the session, and was succeeded by Thomas Bampfild.

² John Smythe.

³ The several papers presented were referred to a committee of twelve, who reported Apr. 7 (see p. 263, *post*).

Thomas; the charges therein concerning the members of the House; and the desire of the committee, that the House would give a protection to the said Rowland Thomas, and Marcellus Rivers, to come and prosecute the hearing of their respective petitions; the said petitions; the one of them intituled, the humble petition of Marcellus Rivers, and Oxenbridge Foyle, as well on the behalf of themselves, as of threescore and ten more free-born people of this nation now in slavery: the other of them intituled, the humble petition of Rowland Thomas; were both this day read.

The members of this House, concerned, being present in the House, did severally give the House an account concerning the particulars complained of in the said petitions: and the House was informed, as well by themselves, as by others of the members, that the petitioners Marcellus Rivers, and Oxenbridge Foyle, and the threescore and ten persons in the Barbados, intended by the said petition, were all of them persons that were engaged in the late rebellion at Salisbury, in March 1654: and that, for sparing of their lives, and for securing the peace of the Commonwealth against the like attempts for the future, and in mercy to them, they were sent thither: that the petitioner Rowland Thomas was an agent here for Charles Stuart, and employed for providing of arms for that party: and that, being discovered, he was committed to the Tower, but not by the member named in his petition: and that, in mercy to him, and for sparing of his life, and to secure the peace of the Commonwealth, he was likewise sent away to the Barbados. (*C. J.*, VII. 620.)

Mar. 25, 1654. Colonel Terrill reported from the grand committee of grievances and courts of justice.

The petition of one Marcellus Rivers, and Oxenbridge Foyle, as well on the behalf of themselves as of three score and ten more freeborn people of this nation now in slavery in the Barbadoes; setting forth most unchristian and barbarous usage of them.

To the Honourable the Knights, Citizens, and Burgesses, assembled in Parliament, the representative of the freeborn people of England.

The humble petition of Marcellus Rivers and Oxenbridge Foyle, as well on the behalf of themselves as of three score and ten more freeborn people of this nation now in slavery,

Humbly sheweth,

That your distressed petitioners and the others, became prisoners at Exeter and Ilchester, in the west, upon pretence of Salisbury rising, in the end of the year 1654,⁴ although many of them never saw Salisbury, nor bore arms in their lives. Your petitioners, and divers of the others, were picked up as they travelled upon their lawful occasions.

Afterwards, upon an indictment preferred against your petitioner Rivers, *ignoramus*⁵ was found; your petitioner Foyle never being indicted: and all the rest were either quitted by the jury of life and death, or never so much as tried or examined. Yet your petitioners, and the others, were all kept prisoners by the space of one whole year, and then on a sudden, (without the least provocation,) snatched out of their pris-

⁴ Note, by the editor of the *Diary*, "See vol. iii., p. 531, note".

⁵ The endorsement on a bill ignored for want of sufficient evidence.

ons; the greatest number by the command and pleasure of the then high-sheriff, Coplestone, and others in power in the county of Devon, and driven through the streets of the city of Exon, (which is witness to this truth,) by a guard of horse and foot, (none being suffered to take leave of them,) and so hurried to Plymouth, aboard the ship *John*, of London, Captain John Cole, master, where, after they had lain aboard fourteen days, the captain hoisted sail; and at the end of five weeks and four days more, anchored at the isle of Barbadoes, in the West Indies, being (in sailing) four thousand and five hundred miles distant from their native country, wives, children, parents, friends, and whatever is near and dear unto them; the captive prisoners being all the way locked up under decks, (and guards,) amongst horses, that their souls, through heat and steam, under the tropic, fainted in them; and they never till they came to the island knew whither they were going.

Being sadly arrived there on the May 7, 1656, the master of the ship sold your miserable petitioners, and the others; the generality of them to most inhuman and barbarous persons, for one thousand five hundred and fifty pound weight of sugar a-piece, more or less, according to their working faculties, as the goods and chattels of Martin Noell and Major Thomas, aldermen of London, and Captain H. Hatsell, of Plymouth; neither sparing the aged of seventy-six years old, nor divines, nor officers, nor gentlemen, nor any age or condition of men, but rendering all alike in this inseparable captivity, they now generally grinding at the mills and attending at the furnaces, or digging in this scorching island; having nought to feed on (notwithstanding their hard labour) but potatoe roots, nor to drink, but water with such roots washed in it, besides the bread and tears of their own afflictions; being bought and sold still from one planter to another, or attached as horses and beasts for the debts of their masters, being whipped at the whipping-posts (as rogues,) for their masters' pleasure, and sleeping in sties worse than hogs in England, and many other ways made miserable, beyond expression or Christian imagination.

Humbly your petitioners do remonstrate on behalf of themselves and others, their most deplorable, and (as to Englishmen) their unparalleled condition; and earnestly beg that this high court, since they are not under any pretended conviction of law, will be pleased to examine this arbitrary power, and to question by what authority so great a breach is made upon the free people of England, they having never seen the faces of these their pretended owners, merchants that deal in slaves and souls of men, nor ever heard of their names before Mr. Cole made affidavit in the office of Barbadoes, that he sold them as their goods; but whence they derived their authority for the sale and slavery of your poor petitioners, and the rest, they are wholly ignorant to this very day. That this high court will be farther pleased to interest their power for the redemption and reparation of your distressed petitioners, and the rest; or if the names of your petitioners, and the number of the rest, be so inconsiderable as not to be worthy of relief or your tender compassion, yet, at least, that this court would be pleased on the behalf of themselves and all the free-born people of England, by whose suffrages they sit in Parliament, any of whose

cases it may be next, whenever a like force shall be laid on them, to take course to curb the unlimited power under which the petitioners and others suffer; that neither you nor any of their brethren, upon these miserable terms, may come into this miserable place of torment. A thing not known amongst the cruel Turks, to sell and enslave those of their own country and religion, much less the innocent.

These things being granted as they hope, their souls shall pray, etc.⁶

Another petition was read, of one Rowland Thomas, who, by Mr. Secretary, in 1655, was sold into the Barbadoes, as Mr. Noell's goods.⁷ His price was one hundred pounds, and that might have redeemed him. He was barbarously used, and made his escape. He dares not appear abroad, lest he be re-delivered to captivity.

Sir John Coplestone: I know with what disadvantage any man speaks that speaks against this petition.

Rivers had been Prince Maurice's quarter-master, and was taken in arms in the business of Salisbury. He counterfeited my hand to a pass, and was taken by the constable. I caused him to be searched, and found fifteen cases of pistols about him. One Mr. Rennel, a young gentleman then with him, confessed that they were going to the insurrection at Salisbury, but were prevented by the discovering of it.

An indictment was brought against him, and because laid at Salisbury, and he not there, he was acquitted. I received an order from his late Highness, to convey to Plymouth all such persons as had been in the insurrection, and were in custody. I sent them thither; but to what purpose they came there I know not.

Mr. Noell: I trade into those parts. Merchants send to me to procure such artificers to be sent over as I might think fit for them. I have had several persons out of Bridewell and other prisons, that I have sent over, and I had to do in sending those; but I had only the recommending of them to that Mr. Chamberlain.

I abhor the thoughts of setting 100 *l.* upon any man's person. It is false and scandalous. I indent with all persons that I send over. Indeed, the work is hard, but none are sent without their consent. They were civilly used, and had horses to ride on.

They serve most commonly five years, and then have the yearly salary of the island. They have four times of refreshing, and work but from six to six: so it is not so hard as is represented to you; not so much as the common husbandman here. The work is mostly carried on by the negroes. It is a place as grateful to you for trade as any part of the world. It is not so odious as is represented.

⁶ Note, in manuscript: "Read 24th March, 1658, at the Grand Committee for Grievances. Reported to the House, and read the 25th March, 1659."

⁷ Editor's note: "'Colonel Barkstead to Secretary Thurloe.

'Tower, 25th March, 1659.

'In obedience to your commands, I have here inclosed sent you the copies of the warrant of commitment, and the other for the delivery to Mr. Noell, for transportation, neither of which being under your hand. Colonel Gardiner, Rowland Thomas, Somerset Fox, Francis Fox, Thomas Saunders, were delivered on board the ship, *Edward and John*, of London, the last of May, 1655. Colonel Gray and Mr. Jackson being then sicke, were not sent, and afterwards were released by his late Highness's warrants.' See Thurloe State Papers, vii. 639."

Serjeant Maynard: This is a gross breach of privilege of Parliament, and against your oath. We are not at committees, masters of one another. No committee ought to judge of members without your leave, unless it be at a committee of privileges, which is by your order. This comes in very irregularly, and the chairman ought to have rejected this petition. I shall not speak to the matter, that it is a Cavalier's petition.⁸

Sir Arthur Haslerigge: I am not, and have not been, a friend to Cavaliers; and am as much for privileges of this House as any man. Yet I cannot agree but that this comes in regularly, and I challenge all the long robe to answer me. If any person offer me a petition at the door against a member, shall I not present it? Much more may a committee of grievances.

The high breach of privilege in the king, was that he brought the charge against the five members⁹ to the Lords' House, and not to you. We might have answered it here, and if brought hither, it had been no breach.

As to these petitions, the committee have made no judgment, but in wisdom to bring the petitions hither. I would have no discouragement given to your committee, to receive grievances, though they concern a member. I have heard of divers petitions against members for Ireland, which, rather than they be not presented, I said I would offer them. You have, in a prudential way, taken the Scotch and Irish members. You will, I hope, in prudence, also hear complaints against them.

Sir Walter Earle took him down, because he kept not to the matter; but acknowledged the chairman had done wisely.

Mr. Neville: They marked their petitions, and reading them, as soon as ever they found members named they left off, and thought of reporting it as it stands now.

Lord Lambert made the same narrative.

Colonel Clark: The privilege of Parliament was highly broken, for the committee did debate it as well as read the petition. It was done but last night. It was too hard and quick. They gave Rivers a protection to give evidence.

The case concerns a Cavalier. You ought to be tender how you encourage that party. I understand Sir Arthur Haslerigge's argument, that a committee may debate a charge against a member, because a single member may present a petition to you.

Mr. Speaker: No grand committee nor privilege committee can receive any original petition against a member of this House, without a high breach of privilege.

Mr. Secretary: I hear myself named in the petition. I must agree with those gentlemen that say it comes in against a fundamental order. It is a Cavalier petition brought in against your members. We might well have been heard, before your committee had made a judgment in it. It is the

⁸ In *Diary*: "This legal 'Vicar of Bray', was Protector's Serjeant, 'until the times do alter'; and could not, of course, yet discover any just cause of complaint, or ground for enquiry, in the miserable allegations of 'a Cavalier's petition.'"

⁹ The editor's note here refers to the charge of treason brought, in January, 1642, against Hollis, Haselrig, Pym, Hampden, and Strode.

first time that I heard of it. I am much surprised to see this petition brought in. I never thought to have lived to see this day, while we have an army in the field and the cause a-foot.

Your committee gave Rivers a protection to come here to prosecute. I know of something of the matter; but shall only speak to Thomas's petition. He is mistaken in matter-of-fact. I did not commit him to the Tower.

He was the king's agent here; and pretended relation to Sir Robert Shirley.¹⁰ He bought several trunks of arms, and sent them into the country in that great plot; and it was said it was so subtilely and dangerously laid, that it was impossible to prevent it, if divers of them had not been committed. It was for your service. A justice of peace may send any man to prison that cannot find bail.

Encouraging petitions of this nature, in complaint of oppressions, is to set you at division. It comes in by combination with the king's party. It has almost set the nation in a flame. While you are about hearing their complaints here, I doubt they are preparing themselves for arms against you. This fellow, under your wings and colour of this protection, may better carry on his master's business, as Reed did, who came over to solicit Lord Craven's business.¹¹ I pray that you would order his commitment, that he be not at his liberty, to set a flame among you.

Mr. Knightley: No complaint may come in against a member, but by the hands of a member. When this report was agreed on, it was done with much tenderness to your member. This complaint is not only by Rivers, but on behalf of several others, aged gentlemen, that have been taken up in their way, and sold.

Sir William Morton, a long-robe man,¹² writ a book. I would have it examined. I would have all petitions read as they come in.

Captain Hatsell: I was present at Plymouth when these persons were shipped. I never saw any go with more cheerfulness. There were two old men and a minister. The minister had heard my name. He acquainted me that he had no desire to go. I took upon me to release him, and another that had no will to go. They went home to their own houses. I gave bills of exchange for 4 *l.* 10 *s.* a man for their passing over. The master of the ship told me that Rivers feigned himself mad, and he was much troubled with him, and told him that if he could make friends when he came over, to get so much as his passage cost, he might be released.

Colonel White: These petitions come before you by the name of Cavaliers, and when it appears to be so, you will I hope make a distinction, as to those persons. If every justice may commit a man because he cannot give a good account of himself, I hope it will be considered. But in regard it appears to be against the free-born people of England, you can do no less than refer them to a committee to examine matter-of-fact.

¹⁰ An envoy in the service of the Shah of Persia.

¹¹ *C. J.*, VII. 581-582. He was deprived of his estates because of his loyalty to Charles I.

¹² Justice of the king's bench, 1665. He was imprisoned in the Tower, 1644, having fought on the Royalist side.

Colonel Birch: I must say with them, that it is a breach of a fundamental order of this House to bring in this petition thus. This is clear and manifest to me, that this will endanger all that ever have faithfully served you, and that they must be forced to look to themselves. This could not come in, they durst not do it, but by being encouraged from some place. I doubt you will raise such a flame as you will hardly quench. I would have this Thomas committed again to the Tower, and from henceforward I would have no petitions of this nature come in, but such as are signed by a member who will answer it.

Sir Henry Vane: I do not look on this business as a Cavalierish business; but as a matter that concerns the liberty of the free-born people of England.

To be used in this barbarous manner, put under hatches, to see no light till they came thither, and sold there for 100 *l.*: such was the case of this Thomas.

I am glad to hear the old cause so well resented; that we have a sense and loathing of the tyranny of the late king, and of all that tread in his steps, to impose on liberty and property. As I should be glad to see any discouragement upon the Cavaliers, so I should be glad to see any discouragement and indignation of yours against such persons as tread in Charles Stuart's steps, whoever they be. The end of the major-generals was good as to keeping down that party, but the precedent was dangerous.

Let us not be led away, that whenever the tables turn, the same will be imposed upon your best men, that is now designed to the worst. There is a fallacy and subtilty on both hands. I would have you be as vigilant against that party as you can; but if you find the liberty and property of the people of England thus violated, take occasion from these ill precedents to make good laws.

That which makes me hate the Cavaliers, is their cause, and when I see others hate their cause, I shall believe them, that they hate their persons. I detest and abhor them as much as any. Let us not have new Cavaliers and old. Let us hate it in those that tread in their steps, as well as in the other. Be not cozened by popularity on the one hand by complaints of this nature, nor on the other hand to swallow up your liberties and properties. Do not that which is *bonum* only, but *bonè*.¹³

Major-general Browne: I thought to have been silent till your great business was over; but as you hear cases of Cavaliers, I hope you will hear those that have fought against them.¹⁴ I was used worse than a Cavalier; taken and sent away prisoner to Wales; used with more cruelty than if in Newgate; in a worse prison than common prisoners. My wife and children could not come, under 200 *l.*, to see me. My letters could not pass. The governor demanded my letters; I said he should have my life as soon. I defended them with my weapon.

¹³ Note, in *Diary*: "So *Lucr.* ii. 7."

¹⁴ Sir Richard Browne, of London, who fought against the Royalists in Kent, at Alresford, and Oxford. The next day Parliament ordered that his debt be paid with interest and that his former offices and privileges be restored. *C. J.*, VII. 621.

The remainder of the Long Parliament, without hearing, voted me¹⁵ to be no member, no longer an alderman of London, nor sheriff. They kept me five years in prison, and never laid aught to my charge.

Money was ordered me upon the excise, which Mr. Edward Ashe offered me, 8000 *l.* Then they took off that, and placed it upon the dean and chapters' lands. Then one comes and offers me 2,000 *l.* for 4,000 *l.* I was content to accept it, but no lands could be purchased with Browne's money. Then they took it wholly away.

I was always faithful to you, and never broke my trust. I would die first. As you are hearing the grievances of others, will you appoint a day to hear mine? I have served you with as much faithfulness as any, though haply not with so much success.

Mr. Disbrowe: I hope you will, in due time, consider that gentleman's grievances. That those that have fought against you, should be taken into equal freedom with you, I understand not. The petition is brought in and signed by your enemies. Can you believe their testimony before that of four of your members? Give the least encouragement to these persons, they will kindle such a fire as you will hardly quench.

We should not trust our old enemies, till they appear to be real friends. Many petitions are before you, that have not been read, that concern persons that have faithfully served you. You ejected two members upon bare report of two members,¹⁶ and now here are Cavaliers complaining to you, and you will believe them before four of your members.

I move to cast out the petitions, as coming in irregularly, and let the two persons be committed.

Major Beake: I hear naught offered of weight, that these petitions come in irregularly. Let us compare cases. Slavery is slavery, as well in a Commonwealth as under another form. As great an instance as can be, has been offered by Major-general Browne.

I would not have your doors shut to any complaints. If you cease to hear them, none but God in heaven can. Let us all lay our hands on our hearts, and consider what mal-administration and recess from law have been in all times, and compare them together. I hope you will think of Major-general Browne's case.

I would not have these persons sent to the Tower, but bail taken of them to appear; and in the mean time the plot to be examined.

Captain Baynes: I have had too great a zeal against Cavaliers, till I saw how that which was against law was turned upon our friends. If they deserve hanging or imprisonment, let them have it. It is put upon that issue, that they went with their consent, so a man may be sent to the galleys, or any place of banishment. However, if they be sent against law, I would have it referred to a committee to examine it thoroughly.

¹⁵ Dec. 4, 1649. *C. J.*, VI. 328.

¹⁶ Edmund Jones, of county of Brecon, Wales, and Robert Villiers, alias Danvers, representing Westbury, county of Wilts, were expelled on Feb. 12, 1659. *C. J.*, VII. 602; *Diary of Thomas Burton* (ed. Rutt), III. 241, 249.

Mr. Annesley: I shall ever appear as much a Cavalier as any,¹⁷ but not under colour of that, lose my own liberties. In case of the Thirty Tyrants,¹⁸ while mean people were only questioned it was never looked on, till it came to the greater. I am sorry to hear Magna Charta moved against this House. If he be an Englishman, why should he not have the benefit of it? There are laws will take hold of any that transgress. I know no law for banishment. The Commons of England will, I hope, be cautious how they make any such acts. You cannot pass it without some resolutions. To make men delinquents for petitioning, let it never be said here! You will not discourage grievances, so as to cast out petitions handed to you by them. I hope your committee will consider upon this debate, to bring them in more regularly. On one hand, be careful of your safety. That is fittest for those that sit at the stern; his Highness and the Council. On the other hand, be careful your liberties be not invaded on any pretence whatsoever.

I would have them referred to a committee.

Major-general Kelsey: I doubt we have gone so much upon point of prudence that we shall overthrow the privilege of this House.

That gentleman says this petition came in irregularly, and yet he moves for retaining it. When a petition comes in regularly, I shall not be against it. This Parliament had not now been sitting; it had been impossible to have preserved us from blood and confusion; if, in all proceedings, his late Highness and Council had been guided according to the strict rules of law.

I hear it said if we hate Charles Stuart and his party, hate his practices. I would have this driven to the head. Tyranny is tyranny, wherever it be. Distinguish between times of peace and war. Divers have been in prison ever since 41; as for instance, Bishop Wren, who was committed by the Long Parliament.¹⁹ Why should our doors be so open to hear that party, that, as often as you have thrust them down, have rose up again? I shall be as ready to do Major-general Browne right, as any. I do make a distinction between persons that have been led aside through dissatisfaction in some cases, and those that have been your notorious enemies.

I am informed, that your Cavaliers have taken heart in the country, from your hearing their complaints here. Silenced priests preach publicly. You will put the nation into such a flame as you will hardly quench. There is Lady ———'s petition, and other petitions. I doubt, the next petition will be from Charles Stuart. I know no law for his banishment, if there has been no law of force since 48.

I would have these persons at your doors secured, and the petitions rejected.

¹⁷ Editor's note: "This speaker, now, probably, in disguise 'a Cavalier' of Charles Stuart, had not long to wait, before he could openly 'appear', gallantly sitting in judgment on some of his present associates, condemned to cruel deaths and sanguinary mutilations; a courtly compliance, royally rewarded with the Earldom of Anglesey. Thus, with highly honourable exceptions, have the ranks of the British peerage been too often recruited. See vol. iii. 363, note."

¹⁸ The reference is to the council of Lysander of Athens, B. C. 404. The people expelled the thirty and chose ten from each tribe to govern in their stead.

¹⁹ C. J., III. 68, VI. 164, 165. See p. 104, note 22, ante.

Colonel Terrill: There did nought appear to the committee that it was against members, or that Cavaliers were concerned in it. There was no debate at all about it, but only as on Englishmen imprisoned and banished contrary to law; so that all that have spoken to that have gone on a mistake.

Mr. Boscarven: I am as much against the Cavalier party as any man in these walls, and shall as zealously assert the old cause; but you have Paul's case²⁰ before you. A Roman ought not to be beaten. We are miserable slaves, if we may not have this liberty secured to us.

I am not against the ministers of state in intervals of Parliament securing men that are dangerous; but I would have it represented to the next Parliament, with the cause of their imprisonment.

These persons come to justify themselves. If you pass this, our lives will be as cheap as those negroes. They look upon them as their goods, horses, etc. and rack them only to make their time out of them, and cherish them to perform their work. It may be my case. I would have you consider the trade of buying and selling men.²¹

Mr. Broughton: My actings speak me no Cavalier. Be they what they will, I would have justice done them, and their liberties preserved to them. But nought appears to me, that aught is done against their consent, and *consensus tollit errorem*. I could give my yea to cast out this petition, but cannot consent to commit them. Let them enter bail, and refer the business to a committee.

Sir John Lenthall: I hope it is not the effect of our war to make merchandize of men. I consider them as Englishmen. I so much love my own liberty as to part with aught to redeem these people out of captivity. We are the freest people in the world. Let us remember when we go out of these doors, we know not what may become of us if we omit this. They are put to such hardships, to heats and colds, and converse with horses. If my zeal carry me beyond its bounds, it is to plead for the liberty of an Englishman, which I cannot hear mentioned but I must defend it.

Major Knight: I move to reject the petition; for if you sit twelve months you will not have time to hear all petitions from Cavaliers. What will you do with the Scots taken at Dunbar, and at Durham and Worcester? Many of them were sent to Barbadoes. Will you hear all their petitions?

*Mr. Attorney-general:*²² The petition comes in irregularly. The person that offers any complaint against your members, must come to your bar and own it. Here are before you the case of a Cavalier, and the privilege of a member. You have liberty and privilege. Preserve them both. Let the petition be presented, and these come to the bar, own, and avow it. I doubt these things are only framed in London, and that the case is not so in fact as is represented. I would have it laid aside till it come in regularly. This petitioner has been a notorious active enemy.

²⁰ Note, "Acts xxii. 25".

²¹ In the *Diary* the editor here places a long note on the evils of slavery, in which is printed a letter of Rev. Francis Crow, written in 1687 from Port Royal, Jamaica, together with a discussion of the Asiento.

²² Sir Edmond Prideaux.

Sir Arthur Haslerigge: I shall never plead for a Cavalier in this House, but for the liberty of an Englishman, and for the laws.

Mr. Speaker took him down, and said he had spoken to the petition.

Some moved that he might be heard.

Sir Henry Vane: I move not to make that a favour to a member that is his right. He spoke before only to regularity of its coming in, now he is to speak to the matter of the petition. I pray hear him.

Sir Arthur Haslerigge went on, and said, by the law of the land, no Englishman ought to be imprisoned but in order to a trial. We have assizes, commissions of oyer and terminer, that any Englishman may have death or liberty, which he deserves. Our ancestors have ever been tender of the liberties of Englishmen. If after a man be condemned, his keeper kill him, he shall be hanged for it. The keeper cannot, ought not, to abuse him in any kind. Nor can any man, by the law of the land, banish any man. Some of these had sentence of death. So might the rest have had, and not be kept in prison twelve months after, and then sent to banishment. The time of war and the time of peace are different.

We have had no war these seven years. True, a little rebellion, and some suffered.²³ Blessed be God, we have had none since.

These men deny that they were ever sentenced, charged, or in arms. Some were acquitted by *ignoramus*. These men are now sold into slavery amongst beasts. I could hardly hold weeping when I heard the petition.

That which is the Cavalier's case, to-day, may be the Roundhead's a year hence. I desire not to live if they prevail. I never sought them, but we must be careful of suffering such precedents. We are likely to be governed by an army. When the army went to the Isle of Rhee,²⁴ one was hanged up by martial law. The Parliament so abhorred it, that, if it had sat, he that caused it to be done had lost his head.

I would have every man be careful how he acts any man's commands against law. If there be thirty in a crowd, ten may be guilty; the rest innocent: and haply but one innocent, and forty guilty. Were not divers of them hanged? Was not that an argument that the rest are clear?

I have never yet done aught, nor I hope shall, to give a suspicion that I have any countenance for the Cavaliers in this business. If our liberties be come to this, we have fought fair and caught a frog.

I would have this business referred back to the grand committee. I hope the gentlemen will be clear, and that they will be wariier hereafter. Our ancestors left us free men. If we have fought our sons into slavery, we are of all men most miserable.

Sir George Booth: I do much approve of that gentleman's tender-heartedness. That gentleman may remember how, in the Long Parliament, two or three thousand Protestants were sent to the Barbadoes against their consent.²⁵ I hope all that died by that plot died by law, and not by a high court of justice.

²³ The insurrection of 1655, under Wegstaff and Penruddock.

²⁴ Rhé. Note, "In 1627, under the Duke of Buckingham".

²⁵ In *Diary*: "In 1651. See *supra*, p. 270. 'Ad saccari-molendina', says Dr. Bates, 'in insulis novi orbis amandatur'. *Elenchus*, p. 261. (They were transported to the sugar-mills in the islands of the New World.)"

The petition came in irregularly. It cannot be excused; but now it is before you. There are things of justice, so there is a thing of good report. It will clear the gentlemen that are concerned, and clear the business, if you refer it back to a grand committee.

Serjeant Dendy: I am ignorant of the privileges of this House, and the liberty of the people; more shame for me. I am glad to hear that you so well assert it; and that this spirit will live when we are dead.

These persons petitioning are dangerous. It is told how they brought arms, and were agents for the king. I doubt they have neither left their master nor his principles. Safety must have place of all.

I would have these persons secured, and the petition considered, that both the liberty of the people may be asserted, and your safety cared for.

Lieutenant-general Ludlow: If this man had been in prison, I should not have moved for his liberty. I would have it referred to a committee.

Mr. Starkey: I am an Englishman, and an inheritor of the laws, but I came hither with a resolution not to retrospect. The breaking of laws has preserved your being. If extraordinary methods had not sometimes been taken we had not been here at this day. It is enough that the petitioners have their lives assigned them in any place.

I would have the petition laid aside.

Mr. Trevor: I move to reject it. It came in irregularly, and, it is said, the committee did entertain the debate upon it, though they saw it concerned your members. It appears they were possessed of it, else how could the chairman report it? This discourages your friends, heightens your enemies, and will set such a flame in the nation as will hardly be quenched.

I would have the two persons secured.

Mr. Bodurda moved to reject the petition, and remand the petitioners to prison.

Captain ———²⁶ moved to remand them to prison. He stated matter of fact at large, and proved one of them to be a dangerous enemy and active.

——— moved that the serjeant-at-arms take them into custody, and that the petition, in the meantime, be examined.

Serjeant Wylde stood up to speak.

After a great debate, till almost three, some moved to adjourn for an hour, others till to-morrow, but the chair broke through and rose without a question. (*Diary of Thomas Burton*, IV. 255-273.)

Mar. 30, 1648. Mr. Secretary: I move upon the debate left the other day, upon the petition of one Thomas.

The petition came in, *per saltum*,²⁷ leaped over the heads of above four-score petitions. He sets forth, that he was committed to the Tower by my order, and sold as a slave to the Barbadoes. This is insinuated in the petition, and by gentlemen that brought it in. These things are noised abroad, as if the Secretary of State could enslave, and had enslaved, the people of England, at his pleasure.

²⁶ This blank and the one following are in the manuscript.

²⁷ By leap or bound.

It is also insinuated abroad, as if fourscore members of this House are brought in by my letters. I know not of three members thus chosen into this House. If I say not truth, those fourscore can contradict me. They hear me.

These reports have caused me to look out my papers for my own defence. I have found my papers, as to the examination of this Thomas, by a justice of peace. He went sometimes under the name of Tomlins, sometimes of Green.

One Custis and one Norwood, merchants, that transacted with them, under pretence to buy arms for the plantations, put them up in deal trunks, and put bottles in the top of them, and carried them under the name of bottles of wine and bedding, sent from several inns, by the carriers, to several gentlemen's houses.

This Thomas was intrusted with this business, from top to toe. He paid 150*l.* to this Norwood, by buying of these arms. He was committed to the Tower, whether by my order or not, or how long, I know not. All means were used to make him discover, but he proved a peremptory fellow, and would not confess. The witness was then out of the way. He is better persuaded since. One witness was not then sufficient to convict a man of high treason at common law.

He was afterwards sent to the Barbadoes to work. He could give no account of himself. Instead of sending him to Bridewell, which by the law might have been done, he was sent to the Barbadoes.

How he has been dealt with at the Barbadoes, I do not know.

He is here come to hand, and he is upon the stage again. I hope you will secure him, and if there was aught of irregularity in that exigency of affairs, I hope you will easily forgive us, it being for the good of the whole. Nought else could have induced us to have acted, if we did aught against law. Therefore, I hope you will, upon proof of this, issue your order to secure this person. I hope you will not take bail. None will bail life for life. He gives out, there was but one carrier that would swear against him, and he is dead. The proofs were taken in January, 1654. Here they are. I hope you will not refer his petition only, but refer the business to an examination.

Mr. Reynolds: Be the petition true or false, I would have the fellow secured. It is fit we should take this alarm. Our enemies are flocking to town, and take an advantage of a Parliament sitting, to act all their plots. In one printed speech, I find it that the occasion of the breaking up of one Parliament was, these plots growing under a Parliament. I would not have us countenance them, so as to deserve that character, lest Parliaments be accounted mischievous.

I am so far from not having this fellow secured, that I would also have a declaration, to banish all malignants twenty miles out of town. . . .

Lord Lambert:

For the other business, I would have as little looking back as may be. If all actions be questioned, that have been done in these late transactions, who of your friends that have served you fourteen years can excuse his. I would not have those that came in after the heat of the day, to look back with so much severity.

Remember the whole business of Norwood and Custis. There were arms at that time sent to one Mr. Vernon, and to another gentleman in Staffordshire. Sixty cases of pistols were found in a well. These arms were sent down in trunks, as bottles of wine, to make merry against Christmas. I do not so well remember this Thomas, as the rest. The carrier's packs were seized, and these arms found. I am afraid Sir Robert Shirley was too busy at that time.

I would have this man secured, and also a committee appointed to examine this, about perpetual imprisonment. This is worse than death. And if it be so, that divers persons are flocked to the town, you should make such a declaration as is mentioned; but go over the other question first.

Captain Watson: I am a justice of peace in Staffordshire. I examined this business. Several trunks were found in a forest there. They were gallants' arms, and sent by letter into the county, by this Thomas, to a gentleman that was then your enemy. I thought it my duty to acquaint you with matter-of-fact.

Mr. Knightley: That is a levying of arms. I would have him presently tried by his peers; and, in the meantime, be secured.

Colonel Terrill: If this fellow be an offender, he is a very bold one. He has attended at the door ever since, and offers bail to prosecute. Let him be secured, and brought to his trial next term. I believe he is now at the door.

I would not have these reflections on your committee. They did not proceed upon it, after once they found members concerned; nor did they know it to be a Cavalier's business.

It was moved, by order of this House, to commit him to Newgate.

Captain Baynes and *Mr. Neville* moved, that he be committed by some justice of peace. Then, if he be not tried at sessions, a habeas corpus lies for him. But, if he be committed by this House, he may lie perpetually in prison, and there is no law to perpetuate a man in prison.

Mr. Broughton: I move, that not only Thomas, but Rivers be secured, and that by order of this House. There is no danger of perpetual imprisonment; for, unless there be a judgment of this House, his imprisonment ceases with the Parliament, and a habeas corpus lies.

I would have the declaration speedily drawn, to exclude them forty miles off London, for twenty miles is but an hour's riding, and they may have influence upon this city.

Sir Anthony Ashley Cooper: I move, that your order be for his commitment to Newgate, in order to a speedy trial, according to law.

Mr. Geven: Call him in, and see what he can say for himself. Let not him nor his companions have occasion to complain of the justice of this House. I would have his petition heard. I would not have men sold like bullocks and horses. The selling a man is an offence of a high nature; and if he falsely accuse, let him be punished. The law of Moses was *lex talionis*, to false accusers; eye for eye, tooth for tooth,²⁸ etc.

Let his petition be therefore examined.

²⁸ Note in *Diary*, "Levit. xxiv. 20".

Lord Marquis Argyle: I am very unwilling to speak in matters of this nature; yet it is necessary to speak one word. I am glad to see this unanimity now. I hope it will fare so in other things, though there have been differences.

I was here at the committee, and several members declared, that as soon as ever members were found to be concerned, they ceased.

I am glad that you have no mind to look back. There is a known maxim, *inter arma silent leges*.²⁹ More ill would occur, if in exigency such courses, though extraordinary, should not be done. I hope, in time to come, unless there be particular necessity, it will be amended.

From the relation I have heard, this person ought to be hardly dealt with; but, as the first step, let him be brought to the bar, and hear him. Then examine, and put the business in a way of trial.

Mr. Thomas Noell: This person in the Barbadoes had equal freedom with any person, to ride on horseback, and had a footman. He has run away, 200 l. in debt. He has been since in France, and with Charles Stuart. I am able to aver, on my own knowledge, that what he affirms, as to his usage in that island, is very false.

I would therefore have him secured.

Sir Henry Vane: It is difficult for you to call him in, unless he be at the door. I am very well satisfied of the vigilancy of those that are entrusted with those affairs, both in finding out this man's actions and others. They deserve your notice.

It appears not whether he owns this petition, nor what his answer will be; but I perceive, by Mr. Secretary's information, that there has been threatening in the case. He was forced to accuse himself, for want of evidence, and sending to the Barbadoes, which I say is not adequate to the offence.

I would not look back, nor would I have innovations upon the people's rights and liberties. There has been indemnity lately granted. Be exceedingly cautious. That party are apt to blemish your justice. As I would have them discouraged, so I would not that the rights of the people should be discouraged.

Divers foul things have been done since the last act of indemnity,³⁰ which I hope you will consider. I would have the person secured, and, in the mean time, the petition examined, that he may not have cause to challenge you for injustice, but the crime may appear clear at his own doors; that this House may not bear the blame of the arbitrary actings of others.

Mr. Secretary: This gentleman is mistaken in matter-of-fact. I think it was not an intended mistake. If I had said so, I had said ill, and done worse. There were no threats upon him, other than to discover the whole plot. I wish your tenderness to him may not be of dangerous consequence.

Mr. Trevor: This is a charge of high treason. That person was mistaken when he called it a recrimination. I would have him secured, in order to his trial.

²⁹ In time of war the law does not operate.

³⁰ Passed June 23, 1657.

Sir Arthur Haslerigge: I am to speak on a different point. There is no question but extraordinary things have been done. An act of oblivion passed one year and two years since; and since that time divers that sit in this House have done extraordinary things, and I think it is an extraordinary thing now moved to you. If this offence be four years old, I doubt it cannot be high treason, it being the law that it must be prosecuted within one year. He petitions you as a person wronged. May not he be prosecuted for his treason?

I hope not to be taken as a pleader for that party. So long as I am able to be helped into a saddle, I shall fight against that line that has been declared against as your enemies; but under pretence of this, do not irregular things against the liberties of the people.

Wherefore have we an army kept up, but that we may enjoy our liberties; that no Englishman may be used contrary to the law. I see no cause of lessening this army. I am against it, unless your sense be otherwise. I speak what I think, *pro hic et nunc*. The main end of our army is to keep us from arbitrary and tyrannical actings. We are now in peace. And by doing these irregularities, we become the patterns of those things which we formerly decried.

I would not have you to take up high treason upon a complaint here. Justices of peace may do it without you.

Secure this man in your serjeant's custody, and appoint a committee to examine him, and what can be said against him. Here are great complaints against him. Proceed against him according to law.

Sir Walter Earle: I believe he has bid you either good-night or good-morrow.

Serjeant Dendy: I am against committing him till you find him. He was at the door and is now gone.

Resolved, upon the information given this day to this House, by divers members of the House, of several great offences committed by one Rowland Thomas, that the said Rowland Thomas be forthwith taken into safe custody by the serjeant-at-arms attending on this House;⁸¹ and that Mr. Speaker do sign a warrant accordingly.

Colonel Clark: Whatever we think here, the designs of the Cavaliers are as high on foot as ever. I would therefore have some declaration or proclamation prepared by a committee, to send all the Cavaliers so many miles out of town under severe penalties.

*Mr. Solicitor-general:*⁸² I move to the last business, that the commitment of the party be in order to a trial. The objection was weighty as to that of treason, that it must be prosecuted in twelve months; but that statute of 25 Henry III., against raising of arms, has no limitation of time, but may be prosecuted at any time. Therefore leave it to law.

Mr. Annesley: Your business is but half done. The petition is modest. It will be hard to appear upon your books, that one day you receive a petition, and another day commit the petitioner for a misdemeanour.

⁸¹ Edward Birkhead.

⁸² Sir William Ellis.

Mr. Attorney-general: The petition is neither owned nor avowed. Till then, it is not proper to take notice of it.

Mr. Fowell: I move that, in order to law, he be committed to Newgate.

Mr. Chaloner: Appoint a committee to examine the business before you proceed further.

Colonel Terrill and *Mr. Moyle* heard the person own the petition.

Mr. Bacon: His solicitor desired a petition, to prosecute.

It was moved, on one hand, to examine the business.

Colonel Allured would have justice done to a Cavalier as well as to another.

On the other hand, it was moved that the person ought to come to the bar and own it, in regard a member was concerned.

Mr. Speaker: You never used to receive a charge against a member, unless the petitioner owned it at the bar.

Others said, How can he now own it, when you have frighted him away with another charge; and though he was never so well used at Barbadoes it was not just to send him thither.

Colonel Birch: You never spent two days so ill. I would not have further time spent in it, but have a general declaration against all that party, to banish them twenty miles.

Mr. Godfrey seconded it.

Sir Henry Vane: You are not bound to make every man own a petition at the bar. If he own it at your committee it is enough.

Major-general Kelsey offered another petition against a member. Query, what is it? It lies upon the table.

It seems *Moyle* delivered *Thomas's* petition.

Mr. Disbrowe was against the petition.

Mr. Young and *Sir John Lenthall* were for the petition.

Some would leave it to a trial at law.

The debate was thus tugged to and again till one o'clock, and at last ended in no result, as formerly; and the House rose at one. (*Diary of Thomas Burton*, IV. 301-308.)

Mar. 30, HC. Resolved, etc., that, upon the information given this day to this House, by divers members of the House, of several great offences committed by one Rowland Thomas; that the said Rowland Thomas be forthwith taken into safe custody by the serjeant at arms attending on this House: and that *Mr. Speaker* do sign a warrant, accordingly. (*C. J.*, VII. 622.)

Apr. 7, HC. *Mr. Scawen* reports from the committee for the inspection into the accompts, and publick revenue, a brief view of the publick revenue, both certain and casual; with the ordinary expence of the Commonwealth of England, Scotland, and Ireland, respectively, in the three nations, for one year; together with a state of the publick debts, as the same appeared to the said committee: the which was read; and was as followeth; that is to say

In pay of the forces in Jamaica, consisting of one thousand five hundred and ninety-seven soldiers, with officers, by the month, 4153 *l.* 2 *s.*; by the year, 53,990 *l.* 6 *s.*

To the forces in Jamaica, to the first of February 1657, 103,045 *l.* 18 *s.* 11 *d.* as by a certificate from the treasurer for that service; one third-part whereof being abated for provisions, there is due 68,697 *l.* 5 *s.* 11 *d.* $\frac{1}{3}$. And for the said forces, from the first of February, 1657, to the twenty-sixth of March 1659, at 4153 *l.* 2 *s.* per month, for fifteen months, 62,296 *l.* 18 *s.* Out of which, one third-part being abated, for provisions, as before, there is due, in the whole, 110,228 *l.* 11 *s.* $3\frac{1}{3}$ *d.*²⁸ (*Ibid.*, pp. 627, 628, 631.)

²⁸ This same amount was given in a report from a committee for inspecting the treasuries, May 20, 1659. *C. J.*, VII. 660.

COMMONWEALTH: RESTORED PARLIAMENT.

*May 7, 1659–March 16, 1659/60.*¹

1659.

May 13, HC. Ordered, that it be referred to the committee of inspections, to bring in a declaration, or what else they shall think fit, for administration of justice, and preservation of the jurisdiction of the Parliament, in the foreign plantations of this Commonwealth; and to report to the Parliament. (*C. J.*, VII. 650.)

July 11, HC. Ordered, that it be referred to the committee for the Admiralty, to grant licence to export such quantities of shoes to the English plantations, as hath been heretofore usually granted, paying custom, and all other duties, as formerly. (*Ibid.*, p. 711.)

July 30, HC. Colonel Walton reports from the Council of State, concerning the business of Jamaica, that, in pursuance of an order of the Council of State of the seventeenth of June, whereby it is referred to the commissioners for the Admiralty and navy, to consider of the whole state of the business touching the forces in Jamaica, and of the ships that are there; and to report the same to the council, with their opinion: the said commissioners, upon examination, do find, that, by an establishment made in July 1657, there were appointed six frigates, constantly to be kept at Jamaica, for securing of that island, and answering the occasions thereof; *viz.* one of the third rate, one of the fourth, two of the fifth, and two of the sixth: the whole to bear seven hundred and fifty men; to be continued there not above twelve months; and then to be relieved by the like numbers, to be sent in their rooms: and that two of the said frigates should immediately be sent away, two other within three months, and the rest three months after that: and as any of them did arrive at Jamaica, all that remained there, above the proposed number, should be sent back: as also, that the three brigantines, then in the service, should be brought within the said establishment of seven hundred and fifty men: and it was also ordered, that a proportion of victual for four thousand men, for six months, should be provided, and sent thither, for supply of the sea and land-forces there; one moiety thereof to go along with the said two frigates, and the remainder three months after:

¹ On May 7, 1659, following a declaration of the officers of the army inviting the members of the Long Parliament who continued sitting until Apr. 20, 1653, to return, letters were sent by the Speaker "to the several members of this present Parliament, now out of town, who have subscribed their names to the Parliament-roll of subscriptions to the Engagement, and are not disabled to sit by judgment of this Parliament" (*C. J.*, VII. 644-645). Oct. 13, 1659, the officers whose commissions had been vacated placed guards about the doors of Parliament and interrupted the members from attending the House (*ibid.*, p. 797). Parliament was restored on Dec. 26, and continued to sit until Mar. 16 following, when an act was passed dissolving the Long Parliament and calling a new Parliament to meet at Westminster Apr. 25, 1660. *Ibid.*, p. 880.

That, accordingly, there hath, since that time, been sent away five frigates, hereafter mentioned; which, with the *Blackmore* ketch then in those seas, and now returned to the Spithead, makes up the number established: and likewise, there hath been sent three thousand mens victuals for six months: that, by the last musters of the land-forces sent from thence, there appears to be the number of two thousand two hundred and thirty officers and soldiers; but whether effective, they have reason to suspect:

That by the last letters from thence, abstracts whereof are hereto annexed, the commander in chief writes, that he is in want of all sorts of rigging, and other provisions for supply of the ships there; but makes no mention of any want the land-forces are in.

	Men.
<i>Marston-Moor</i>	260
<i>Diamond</i>	160
<i>Coventry</i>	110
<i>Hector</i>	90
<i>Chesnut</i>	45
Brigantines.	
<i>Cagway</i>	40
<i>Pearl</i>	25
<i>Dolphin</i>	15
<i>Blackmore</i> , now returned.....	50
	795

Abstracts of letters received from Jamaica, from the commander in chief,² dated the twentieth of April, 1659.

Advertiseth, That the supplies of the *Diamond* came very seasonably; and were immediately taken out of the victuallers, and put on board the ships at Jamaica, which were then destitute of provisions; and then sent them forth, to interrupt the trade that is driven by the Spaniards between Carraccas and Carasao;³ and to get some prize; which he almost despairs of, in regard of the dawbing there is between the Dutch and Spaniards:

That the state's frigates are in continual want of cordage, pitch, tallow, and all other stores; as also of shallops; which they greatly need; being of constant use to carry water and other provisions to the fortifications:

That he hath attempted the making of brick, but finds it too chargeable to proceed therein; and therefore desires the next ship that comes, may be ballasted with bricks, for the use of the forts, and some plaster of tarras,⁴ to make cisterns to hold water; and that he may also have some coals sent him:

That he might have some credit given him, to buy masts at New-England, for supply of the frigates, as occasion requires: and that such acts of Parliament as concern the affairs in those parts, might also be transmitted him:

² Admiral William Goodson was in command of the sea forces at Jamaica, and Col. Edward D'Oyley commander-in-chief of the land forces; the latter seems to have been acting as governor.

³ Curaçao.

⁴ Terrace.

Desires directions touching such negroes as shall be met with on board Dutch ships, they being brought by them to the Spaniards, and by them made use of, and put on shore in this island, to annoy us in our quarters.

By another letter of his, dated twenty-fifth of April 1659, he informs,

That since his writing the former, the *Diamond* frigate is arrived, whom he sent to ply between Hispaniola and Porto Rico; and hath brought in a spanish vessel of five guns, loaded with forty tons of cocoa, bound for New-Spain: by which vessel, and by letters therein taken, he has intelligence, that, in February last, eight of the galloons were dispersed on the coast of Bermudas, to several ports; and intended to sail for Spaine about July next; whom he will look after, if provisions come for careening and trimming the frigates:

That the *Marston-Moor*, *Hector*, and *Cagway*, which were sent to windward, brought in yesterday two ships of sixteen guns apiece; the one empty, the other with thirty ton of cocoa:

Our people entered the town of Comina,⁵ and burnt it; and from thence went to Porto Cavillo,⁶ where they burnt a Spanish vessel; and from thence to Coro, which they took; and, besides the plunder, followed the enemy into the woods, where they took twenty-two chests of the king's money, being four hundred pounds in a chest; and much other plate, to the value of forty thousand pounds; but nothing is brought in hither but the cocoa: however, he intends to examine the business, and to give account thereof by the next.

By another letter received from Mr. Burroughes, steward-general;⁷ dated twenty-third April 1659.

He writes, That the *Marston-Moor*, *Hector* and *Cagway*, are arrived with two prizes, and an abundance of wealth, that they have plundered from the enemy at Comina and Cora, valued at two hundred thousand pounds, and better:

That Captain Minge, commander of the *Marston-Moore*, says, he hath brought into the harbour fifty thousand pounds in coined money, besides rings, plate, and jewels: that the seamen broke into the hold of one of the prizes; and took out, by force, ten or fifteen thousand pounds:

That little advantage is like to accrue to the island by this purchase, save only the spending of their money.

Twenty-fifth June 1659.

The capain of the *Blackmore* ketch, now at Portsmouth, informs, that the English in the island are in a very good condition; and, through their industry, have brought all things into good order; and are in a good healthy condition.

The times when the five frigates were dispatched from hence.

Hector sailed from Plymouth, 10 November 1657.

Marston-Moor sailed from the Downes, with two thousand mens victuals for six months, and other naval stores.

Coventry sailed from Plymouth, 6 July 1658.

Diamond and *Chesnut* sailed from Falmouth, 1st October 1658, with one thousand mens victuals for six months.

⁵ Cumaná.

⁶ Puerto Cabello.

⁷ Capt. Cornelius Burroughs.

The humble petition of divers well-affected officers and soldiers of the island of Jamaica, in behalf of themselves, and others in England, was this day read.

Ordered, that it be referred to the Council of State, to consider of the whole matter; and how the island of Jamaica may be made most serviceable to this Commonwealth; and to consider of the seamen and land-forces; and how they may be paid: and that the said petition be also referred to the Council of State, to consider, how the petitioners may be satisfied; and report their opinion therein to this House.⁸ (*Ibid.*, pp. 740² 741.)

July 30, HC. Ordered, that it be referred to the Council of State, to consider of the wives and widows of the officers and soldiers now in the Parliament's service in Jamaica, how they may be relieved; and report their opinion therein to this House.⁹ (*Ibid.*, p. 743.)

Aug. 17, HC. Colonel Rich reports, a proposal from Mr. Hawkins, touching the excise of wine, beer, ale, cyder, and tobacco: which was read.

Ordered, that this proposal be referred to the committee for inspections, to ripen and perfect it; and then present it to this House, with their opinion therein. (*Ibid.*, p. 761.)¹⁰

⁸ For action of the Council of State on Jamaica business during this session, see *Cal. St. P. Col.*, 1574-1660, pp. 475, 477.

⁹ On Aug. 18 the Council of State directed payments to be made to the wives, widows, and relations of those who were poorest there. *Ibid.*, p. 475.

¹⁰ In the British Museum (Egerton MSS. 2395, f. 182) there is a petition of the assembly of Barbados to Parliament, Dec. 11, 1659, requesting that the ancient liberty, privileges, customs, constitutions, and laws be confirmed to them, together with the articles made on the rendition of the island; that no officer, except the governor, be imposed on them; that they be allowed to choose a governor out of the freeholders of the island, and an assistant out of every parish; that all fines, forfeitures, etc., be used for defense of the place; that all customs on goods exported from England to the colony be taken off, that no monopolies be allowed to continue, and that the Navigation Act of 1650 be repealed; that all commanders of ships arriving there be made to conform to the laws and customs of the island by entry of bond not to carry off servants and slaves; that in all foreign treaties this colony be included; that the government there have full power to make necessary laws; and that a mint be established in the colony, for coining of money, equal with New England and Jamaica. Parliament was dissolved by the army on Oct. 13 and after its restoration on Dec. 26 the end of the Long Parliament was so near that this petition, if presented, received no attention. There is no reference to it in the *Journals*.

CHARLES II.: FIRST PARLIAMENT.

April 25–December 29, 1660 (12 Car. II.).

1660.

May 21, HL. The Earl of Pembroke reported from the committee for petitions, the petition of John Baker, in which their Lordships think fit to receive the further directions of this House, it being a business of difficulty.

It is ordered, that this petition be retained in this House, until the courts of justice be settled in Westm[inster] Hall. (*L. J.*, XI. 35.)

May 21, HL. To the right honourable the House of Lords nowe assembled in Parliament.

The humble petition of John Baker.

Most humbly sheweth to your Lordships that your petitioners father John Baker one of his late Majestys servants in the year 1649 by his last will and testament in writinge did devise diverse lands in Benfeild in the county of [] and diverse houses stables and tenementes neere Charinge Crosse in the county of Middlesex to your petitioner being his onely son, and his heires for ever immediately after the death of Elizabeth his wife your petitioners mother. That shortly after his fathers death, your petitioner (beinge then but eleven or twelve yeares of age) was by the cruell contrivance of his sister Katherine Sparkes (whoe since intermarried with one William Kniveton) sent away privately against his will to Virginia not makeinge your petitioner acquainted where hee was to goe nor did hee knowe till hee came thither, where hee served as a slave and endured greate hardship by the space of nyne yeares, together thereby to inforce your petitioner to passe the said estate to her or such as shee should appoint; and in prosecution of that wicked designe, shee takinge advantage as well of your petitioners weaknes in capacitie beinge bred up amongst barbarous people there, as of the many hardships hee indured did there in Virginia by violence and menaces to hang your petitioner, force him by some deede (as is pretended) to passe away all his estate to one Francis Laude since deceased a cooper, and confederate of his said sisters there, without any manner of consideration, the premisses beinge worth 200 *li.* per annum at least; and the said Francis Laud (as it is pretended) did in accomplishment of the said designe reconvey the same to his said sister and her heires for ever and soe utterly disinherited your petitioner.

And further sheweth to your Lordships that his said sister after married to the said Kniveton beinge a craftie attorney at lawe, whoe then doubtinge that the said deede soe made in Virginia to the said Francis Laude was not sufficient in lawe did by more confederacy with diverse persons unknowne to your petitioner (whose names hee desireth may when

hee can discover them be incerted as parties to this practice) procure your petitioner about a yeare since to bee brought over againe into England where by the practice aforesaid hee hath bene almost ever since kept as a prisoner till about 6 or 7 weekes since, the said Kniveton gott him into a taverne called the Lamb neere St Clements Church in the morninge and caused him to drinke aboundance of burnt wine and rawe wine and there had prepared three or fower severall writinges (without any counterparts or coppies delivered to your petitioner) which the said Kniveton then alsoe takinge advantage as well of the weake capacitie of your petitioner as of the excesse of wine which hee then caused your petitioner to drinke, caused your petitioner to signe and sealè without any consideration, save the poore suite of clothes nowe on his backe, by which as the said Kniveton pretendeth, and your petitioner hath cause to beleieve, your petitioner hath past and conveyed away all his right tittle claime and interest as well in the premisses as in all other lands descendable uppon your petitioner as heire to his said father and heire to his said sister deceased, and more particularly of the greate inn called the White Hart neere Charinge Crosse, the said Kniveton haveinge alsoe by fraud practice and circumvention got into his custody or possession all the deeds and evidences concerninge all the premisses and hath by colour thereof and other his unlawfull practice redeemed some houses and lands mortgaged by your petitioners said father and got the same into his possession and received the rents and profitts of all the premisses for above eight yeares nowe past amountinge to a greate value, and nowe the said Kniveton reporteth that hee hath good right to all the premisses and that the said Katherine his wife your petitioners sister before her death being seised in fee of the said mesuage called the White Hart did by fine or other conveyance settle the same in fee uppon the said Kniveton; whereas your petitioner doubteth not but to prove before your Lordships that if the said Katherine had any right therunto or did passe any fine or other conveyance therof to the said Kniveton the same was soe done illegally and by force and violence offered to her.

Wherefore and for that your petitioner being of full age when hee soe sealed those deeds to the said Kniveton cannot bee releived against the said wicked fraude and practice in or by any ordinarye course in lawe or equitie nor elsewhere but in Parliament, hee humbly prayeth your Lordships forthwith to summon the said Kniveton to answeare the premisses and to bringe all the said deeds and writeinges before your Lordships that soe your poore petitioner may be releived accordinge to justice and for that your petitioner is in a perishinge condition, not haveinge any thing wherewith to feed or cloath himselfe much lesse to retaine councill hee humbly prayeth your Lordships to assigne Mr. Snape Mr. Riche and Mr. Churchill to bee of his councill.

And your petitioner shall pray etc.¹ (MSS. H. of L.)

May 22, HL. To the Right Honourable the Lords assembled in Parliament.

¹ The petition bears no signature. Endorsed, "John Bakers pet: 19 May 1660, read in House 21 May". Calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 86.

The humble petition of Harman Sheafe and Thomas Ruche cittizens of London.

Most humbly sheweth that in Aprill 1659 John Gifford late of New England, now of London gent, did by attachment out of one of the sheriffes courtes London, arrest one hogshead of beaver skinnnes as the goods of Henry Webb of New England merchant for a debt of 300 *li.* pretended to bee due unto him the said Gifford from the said Webb, and for want of bayle to the said action did cause the said goodes to bee appraized and sold.

That your petitioners as friends to the said Henry Webb, did give notice of the proceedings aforesaid unto the said Henry Webb in New England aforesaid, who hath since affirmed unto your petitioners by his letters, that hee oweth the said Gifford nothing, and withall desired your petitioners to become bayle for him in the said action, which accordingly your petitioners have done and thereupon the said John Gifford the 12th of May instant, and not before declared against the said Henry Webb in an action of debt for 300 *li.* pretending the same to bee due unto him from the said Henry Webb for divers summes of money by the said Henry Webb to the said plaintiff first due, and withall giveth out the same to bee due for iron delivered by him unto the said Webb in New England in the moneths of Aprill, May and June 1653 as by the declaration, and the deposition of one William Heathfield hereunto annexed appeareth.

That the said John Gifford knowing the proceedings of all courtes of justice at Westminster to bee obstructed at this time, whereby noe meanes can bee used for the said Henry Webb to make his defence to the said action, or to produce witnesses on his behalfe from New England before Thursday next, doth with all eagernes endeavour to get the said cause to bee tryed on Thursday next, and accordingly will obteyne the same, and thereby take your petitioners in execution, unlesse this honourable House in this vacancy of law courts at Westminster will bee pleased to stay his proceedings thereupon.

Your petitioners therefore most humbly pray, that your Lordships would be pleased to grant your order for stay of the proceedings of the said John Gifford in the said sheriffes court, untill the court at Westminster shall be duely settled, and this honourable House give further order therein.

And your petitioners (as in duty bound) shall ever pray etc.² (*Ibid.*)

May 22, HL. Upon reading the petition of Harman Sheafe, and Thomas Ruche citizen of London; shewing, that they became bail for one Henry Webb, to John Gifford, which Webb had goods arrested, by attachment out of the sheriff's courts in London, by the said Gifford, who takes advantage of the stopping of proceedings in all courts of judicature

² The petition is unsigned, and endorsed, "The petition of Harman Sheafe and Thomas Ruch Cittizens of London". Annexed is the affidavit of William Heathfield, referred to in the petition, declaring that as servant to the defendant he received 22 tons of iron worth £21 per ton; also, a statement of claim against Webb, made by Dutton Seaman, attorney for Gifford. This is endorsed, "22 Mail Sheafe and Ruche Petition vrs John Gifford. Exped.". The papers are calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 87.

in Westm[inster] Hall at this time, whereby no means can be used for the bail to make their defence to the said action, or to produce witnesses in the cause, they being in New England that should testify therein on Thursday next, it being the day on which with all eagerness he endeavours to get the said cause to be heard:

It is ordered, by the Lords in Parliament assembled, that all proceedings of the said John Gifford in the said sheriff's court shall be forthwith stayed, until the courts in Westm. Hall be settled, or the pleasure of this House be further signified, unless good cause be shewed to the contrary to this House: and hereof all persons concerned are to take notice, and yield their obedience accordingly. (*L. J.*, XI. 38.)

May 25, HL. Upon the petition of Gifford, against Sheafe:

The question being put, whether to recall the order of this House, dated the 22 instant, and dismiss both the petitions in this cause?

It is resolved in the affirmative. (*Ibid.*, p. 41.)

June 19, HC. Colonel Birch reports a bill, for the further continuance of the customs and excise till the 29th of September 1660; which was read the first time.³ (*C. J.*, VIII. 68.)

June 19, HC. Resolved, that the subsidy of tonage and poundage be granted to his Majesty during his life.

Resolved, that the committee, to whom the preparing of bills is referred,⁴ do bring in a bill for that purpose: and that the same have reference to a book of rates to be hereafter agreed upon by this Parliament.

Resolved, that it be referred to the committee, to consider upon this whole debate, how the subsidy of tonage and poundage shall be collected in the mean time, till a new book of rates shall be agreed; and to prepare the bill accordingly. (*Ibid.*)

June 19, HC. The humble petition of the merchants of England, trading to the dominions of the King of Spaine, was read.

Ordered, that the said petition be referred to the committee, to whom the bill for tonage and poundage is referred. (*Ibid.*)

June 19, HC. The bill for the further continuance of the customs and excise, was read the second time.

Ordered, that the said bill be committed to the committee for preparing of bills; who are to consider thereof upon the whole present debate: and they are to meet in the Exchequer Chamber at two of the clock this afternoon: and all members of the House, that shall come thither, are to have voices: and Colonel Birch is to take care thereof; as also of the other bill for the subsidy of tonage and poundage: and he is for that purpose added to the said committee. (*Ibid.*)

June 20, HC. Colonel Birch reports a bill, for the further continuance of the excise, from the 24th of June to the 25th of December 1660; which was read the first and second time.

³ Two acts for continuing the excise were passed by this Parliament, the one providing for its levy and collection until Aug. 20, the second until Dec. 25, 1660. In both, oils, wines, tobacco of the plantations, and certain other goods, imported after July 24, 1660, were discharged of the duty of excise. *Statutes*, V. 206, 207 (12 Car. II. cc. 5, 8).

⁴ See p. II of the *Journals*.

Mr. Pryn reports a clause to be added to the bill, concerning the receiving and issuing of the monies which shall be collected by virtue thereof; which was read.

Resolved, that the bill, for further continuance of the excise, be, upon the whole debate, referred back to the former committee.

Resolved, that the additional clause, now tendered, be referred to the same committee; to be by them considered of: and they are also to consider of the qualifications of the officers employed about the excise; and, in case they shall find any of them unfit to be continued, to present to the House the names of such other persons as they shall think fit: and they are to meet at two of the clock this afternoon, in the Speaker's Chamber and to make report thereupon to-morrow morning. (*Ibid.*, p. 69.)

June 20, HC. Sir Heneye Finch reports from the committee, a bill for the subsidy of tonage and poundage; which was read the first and second time; and, on the question, ordered to be referred to a grand committee of the whole House, upon the whole present debate.⁵ (*Ibid.*)

July 10, HC. Ordered, that the House be presently resolved into a grand committee of the whole House, to take the bill of tonage and poundage into consideration; and that Mr. Speaker do leave the chair.

Mr. Speaker⁶ left the chair.

Mr. Charlton took the chair.

Mr. Speaker resumed the chair.

Mr. Charlton reports from the said grand committee, that the said committee desire the leave of this House to sit again on Thursday next.

Resolved, that this House be resolved into a grand committee, upon the bill of tonage and poundage, on Thursday morning next.⁷ (*Ibid.*, p. 86.)

July 14, HC. Ordered, that the petition of the several planters in the island of Barbadoes, in America, be referred to the grand committee upon the bill for tonage and poundage, to take the same into their consideration. (*Ibid.*, p. 89.)

July 17, HC. The House resumed the debate upon the amendments to the rates for customs

Resolved, that all pepper imported directly from the place of its growth in English shipping, be one penny in the pound.

Resolved, that all other spicery and drugs imported directly from the place of their growth in English shipping, be one third part of what is charged in the book of rates, and no more. . . .

⁵ 12 Car. II. c. 4 (*Statutes*, V. 181). The book of rates which forms a part of this act contains the names of many articles of colonial production; pp. 274, 275, 277, *post*. Tonnage "was a specific duty of varying amounts on wines imported; the poundage was equivalent to 5 per cent. on all imports and exports according to their fixed value as given in the 'Book of Rates', which formed an integral part of the statute." Beer, *Old Colonial System*, pt. I., vol. I., p. 129. The valuations hereafter given must therefore not be mistaken for actual duties imposed.

⁶ Sir Harbottle Grimston.

⁷ The committee did not sit until the following day, July 13, and again on July 14 and 16. C. J., VIII. 88, 90, 91.

Resolved, that there be no abatement of the rate upon muscavado sugar; but that it stand at the rate formerly set upon it. . . .⁸

The particulars on the letter I were read; and, upon the question, agreed unto. . . .⁹

The particulars on the letter O were read; and, upon the question, agreed unto. . . .¹⁰

The particulars on the letter T were read; and, on the question, agreed unto.¹¹

The particulars on the letter W were read.

Resolved, that whatever fins of English fishing are brought in by his Majesty's subjects in English shipping, directly from the place, shall pay as in the report.¹²

Resolved, that all other fins, not of English fishing, shall pay double. . . .

Resolved, that all cotton wool, of the growth of English plantations, be imported freely. . . .

Resolved, that Brazil, or Fornambuck wood, rated in the book of rates at three pounds ten shillings, be reduced to one pound fifteen shillings; and fustick wood at ten shillings, to five shillings.¹³

Ordered, that this debate be taken up to-morrow morning.¹⁴ (*Ibid.*, pp. 91-92.)

July 20, HC. Col. Birch presents a report from the committee, for bringing in a bill for the excise. . . . (*Ibid.*, pp. 95-96.)

July 20, HC. Sir Henage Finch reports amendments to the bill for tonnage and poundage; which were read; and the said bill was after read by parts. . . .

Resolved, that this bill, thus amended, be ingrossed.

Ordered, that it be referred back to the committee to whom the setting of rates upon several commodities, was referred, to prepare the book of rates with the rules, and bring them in to-morrow morning: and then this House will consider thereof, and of the proviso now offered. (*Ibid.*, pp. 96-97.)

⁸ The following were the values on sugars: candy brown, £10 per hundredweight; candy white, £15; muscovados, £4; refined double and single, in loaf, £17; St. Thomas and panele, £2; white, £7 6 s. 8 d.; white plantation, £5; brown and muscovado from the plantations, £1, 10 s. *Statutes*, V. 192.

⁹ Indigo of Turkey, of the West Indies, or of rich quality was to pay on a valuation of 3 s. 4 d. per pound; indigo dust, 1 s. 8 d.; indigo of the English plantations, 1 s. *Ibid.*, p. 193.

¹⁰ Greenland train oil was valued £8 the ton; Newfoundland oil, £6. *Ibid.*, p. 195.

¹¹ Tobacco was valued as follows: Spanish and Brazil tobacco, or any not of the plantations, 10 s. per pound; tobacco from St. Christopher, Barbados, Caribbee Islands, Virginia, and Bermudas, 1 s. 8 d. Plantation tobacco was to pay, in addition, 1 d., by the importer, which was to be repaid if the tobacco was exported within twelve months after importation; and in case any merchant or importer desired to pay ready money, he was to have an abatement after the rate of £10 per hundred annually. *Ibid.*, p. 197.

¹² £1 per ton.

¹³ In addition, West India sweet wood, £1 5 s., per hundredweight (*ibid.*, p. 198). Fornambuck means Pernambuco.

¹⁴ The debate upon alterations of the book of rates on goods exported was continued July 18, 19 (*C. J.*, VIII. 92, 93, 94). Geldings or nags for the plantations were assessed on the basis of £10. *Statutes*, V. 200.

July 21, HC. A bill, ingrossed, for settling of the custom of tonnage and poundage on the king's Majesty, during his natural life, was this day read the third time. . . . (*Ibid.*, p. 97.)

July 23, HC. The House resumed the debate upon the ingrossed bill for tonage and poundage.

A proviso, ingrossed, was tendered to the said bill, to this effect; that no person who, after the twenty-fourth of June 1660, and before the twenty-fourth of July in the same year, who have paid, received, or collected, any duties or customs, according to the rates used in April 1660, shall be molested, or any ways impeached, for or concerning the payment or receipt of the said duties, or any other duties, by this act imposed. And it is hereby further declared, that no person who hath shipped any goods since the said twenty-fourth June, before the said twenty-fourth of July, shall be liable to the payment of any duties therefore; other than such as were used to be paid in the said month of April 1660.

Resolved, that this proviso be read.

The said proviso was read the first and second time.¹⁵ (*Ibid.*, p. 98.)

July 23, HC. Ordered, that Colonel Birch do bring in a bill for the continuance of the excise, with a blank as to the time. (*Ibid.*)

July 23, HC. A bill for continuance of the duty of excise was this day read the first and second time; and, upon the question, committed unto the committee to whom the business touching woollen manufactures is referred. (*Ibid.*, p. 99.)

July 23, HC. . . . The question being propounded, that the one peny per pound charged on tobacco imported from the English foreign plantations, by way of excise, be taken off, and discharged; and that, in lieu thereof, one peny per pound be transferred, and charged in the book of rates for customs, as a further addition to the customs upon tobacco, imported from the said plantations;

And the question being put, that the question be now put;

It passed in the affirmative.

And the main question being put; it was

Resolved, that one peny per pound charged on tobacco imported from the English foreign plantations, by way of excise, be taken off, and discharged; and that, in lieu thereof, one peny per pound be transferred, and charged in the book of rates for customs, as a further addition to the custom upon tobacco imported from the said plantations. . . .

Resolved, that, according to these preceding votes, the bill for tonage and poundage, and the book of rates referring thereunto, be amended.

Resolved, that it be referred to the same committee that brought in the bill for tonage and poundage, and the said book of rates, to amend the same accordingly. (*Ibid.*, p. 100.)

July 23, HC. Colonel Birch reports amendments to the bill for excise: which were read the first and second time; and, upon the question, agreed upon. . . .

Resolved, that this bill so amended, be ingrossed. (*Ibid.*)

¹⁵ This proviso was read the third time and made part of the bill July 24.

July 23, HC. A bill, ingrossed, for continuance of the excise to the 20th of August 1660; was this day read the third time.

Resolved, that, in the twelfth line, after the word "imported", and before the word "discharged", these words, *viz.* "after the 24th of July 1660, shall be henceforth" be inserted. (*Ibid.*)

July 24, HC. The House this day resumed the debate upon the ingrossed bill for tonage and poundage. . . . (*Ibid.*)

July 24, HC. A bill for continuing the excise until the 20th of August 1660, was this day read the third time. . . .

And the said bill, so amended, being put to the question, passed.

Resolved, that this be the title of this bill, An act for continuing the excise until the 20th of August 1660.

Ordered, that Col. Birch do carry this bill to the Lords: and he is to acquaint the Lords, that the bill of customs of tonage and poundage is ready, if their Lordships please to sit awhile.¹⁶ (*Ibid.*, p. 101.)

July 24, HC. The amendments and provisoes, ordered to be part of the bill for tonage and poundage, being ingrossed, were read the third time.

Resolved, that this be the title of the bill, *viz.* A subsidy granted to the king, of tonage and poundage, and other sums of money payable upon merchandize, exported and imported.

And the said bill, so amended, being put to the question, passed.

Mr. Annesley is to carry this bill to the Lords; and to desire the Lords, that, it being a bill concerning money, it be sent back to this House, when the Lords have passed it.¹⁷ (*Ibid.*, pp. 101-102.)

July 24, HL. *Hodie 1a et 2a vice lecta est billa*, An act for continuing the excise until the twentieth of August, 1660; and ordered to be committed to these Lords following: Comes Portland, Comes South[amp]ton, Comes Winchilsea, Comes Lyncolne, Comes Banbury, Ds. Wharton, Ds. Grey, Ds. Chandos, Ds. Windsor, Viscount Say and Seale.

Their Lordships, or any three; to meet this afternoon, in the Prince's Lodgings. (*L. J.*, XI. 105.)

July 24, HL. The Earl of Portland reported from the committee, the bill for continuing the excise, etc. as fit to pass, with a proviso; which proviso was read thrice, and agreed to. (*Ibid.*)

July 24, HL. *Hodie 1a, 2a, et 3a vice lecta est billa*, An act, intituled, A subsidy granted to the king, of tonnage and poundage, and other sums of money, payable upon merchandizes exported and imported.

The question being put, whether this bill shall pass as a law?

It was resolved in the affirmative. (*Ibid.*)

July 24, HL. *Hodie 3a vice lecta est billa*, An act for continuing the excise until the twentieth of August, 1660.

And the question being put, whether this bill shall pass as a law?

It was resolved in the affirmative. (*Ibid.*)

July 24, HL. A message was sent to the House of Commons, by Mr. Glascock and . . .

¹⁶ *L. J.*, XI. 105.

¹⁷ *Ibid.*

To deliver to them the bill for tonnage and poundage, and the bill for continuing of the excise; both which their Lordships have passed.¹⁸ (*Ibid.*)

July 25, HC. The House took up the debate of the book of rates, relating to the bill for tonnage and poundage. . . .

Resolved, that white sugars be reduced from nine pounds six shillings and eight-pence the hundred, to seven pounds six shillings and eight-pence.

Resolved, that brown sugar, of English plantations, be at the rate of one pound ten shillings. . . . (*C. J.*, VIII. 102.)

July 26, HC. Col. Birch reports from the committee, certain orders, directions, and allowances, for the advancement of trade, and encouragement of the merchant; as also for the regulating as well of the merchants in making due entries and just payments of their customs, as of the officers in all the ports of this kingdom, in the faithful discharge of their duty: which were read.

Resolved, that these rules shall be the rules to be observed in the collecting and gathering of the subsidies of tonnage and poundage, and other monies, for new impost, mentioned in the act, intituled, A subsidy granted to the king, of tonnage and poundage, and other sums of money, payable upon the merchandize exported and imported. . . .¹⁹ (*Ibid.*, p. 103.)

July 27, HC. Ordered, that it be referred to a committee to consider of encouraging and regulating the manufacture, both of new and old wool, and navigations in English bottoms; *viz.* unto Sir George Downing, Mr. Streete, Col. Birch, Sir Walter Earle, Mr. Knight, Sir Henage Finch, Sir Wm. Wheeler, Sir Tho. Clergis, Mr. Shaw, Mr. Middleton, Col. Jones, Sir Tho. Meeres, Mr. Jolliffe, Mr. Boscawen, Sir John Bowyer, Mr. Spry, Sir Tho. Bludworth, Sir John Robinson, Mr. Dennys, Mr. Delves, Sir Wm. Doyley, Sir Wm. Vincent, Sir Solomon Swale, Sir Edward Turner, Sir Tho. Rich, Sir John Frederick, Mr. Hall, Sir Wm. Morris, Mr. Allen, Mr. Yong, Mr. Chafe, Mr. Henley, Sir John Lowther, Major Tolhurst, Sir Geo. Savile, Sir Anthony Ashley Cooper, Mr. Culliford, Mr. Proby, Alderman Barnham, Sir Edward Deering, Mr. Ellison, Mr. Armstrong, Mr. Foly; and all the merchants; and all that serve for . . . ports, have voices: and are to meet to-morrow in the afternoon, in the Exchequer Chamber, at two of the clock; and so *de die in diem*: with power to send for persons, papers, and witnesses, and what else may conduce to the business: . . . (*Ibid.*, p. 104.)

Aug. 15, HC. He [Mr. Shaw] also reports a bill for increase and encouragement of shipping and navigation: which was this day read the first time.²⁰ (*Ibid.*, p. 120.)

¹⁸ *C. J.*, VIII. 102. These bills were given royal assent July 28 (*L. J.*, XI. 109-110). The excise act was, by 12 Car. II. c. 8, continued to Dec. 25, 1660. *Statutes*, V. 207; *C. J.*, VIII. 121, 125, 127, 128; *L. J.*, XI. 133.

¹⁹ No. XI. of these rules provides that, in case any tobacco or other goods imported should be damaged by salt water or otherwise, a proportionable abatement of the subsidy due shall be made. *Statutes*, V. 204.

²⁰ 12 Car. II. c. 18 (*Statutes*, V. 246). This navigation act provided, among other things, that no goods should be imported to or exported from Asia, Africa, or America, but in English ships, and it empowered commanders at sea to seize as prizes all vessels offending the act; it directed governors of plantations, under penalty, to proceed against aliens operating as merchants or factors in the plantations; goods grown, produced, or manufactured in Africa, Asia, or America could not be imported save in English

Aug. 20, HC. A bill for encouragement of navigation, was this day read the second time; and upon the question, committed to the committee for encouragement of woollen manufacture, and navigation:²¹ and that Mr. Pryn, Mr. Thomas, Sir Anthony Irby, be added to that committee. (*Ibid.*, p. 129.)

Aug. 30, HC. Sir George Downing reports amendments to the bill for encouraging of navigation: which were read the first time.

Ordered, that these amendments be read the second time, to-morrow morning. (*Ibid.*, p. 142.)

Aug. 31, HC. Resolved, that this House do resume the debate upon the amendments to the bill for navigation.

The amendments to the said bill were this day read the second time; and, upon the question, agreed unto.

Ordered, that this bill, thus amended, be ingrossed. (*Ibid.*, p. 144.)

Sept. 1, HC. The bill for settling the establishment of Dunkirk was read the second time; and, on the question, committed . . .²²

Ordered, that it be referred to the same committee, to take consideration of the island of Jamaica; and to receive such proposals as shall be made, in order to its security and managing with least charge to the publick, and to the best advantage of his Majesty's service; and to make report therein to the House.²³ (*Ibid.*, p. 146.)

Sept. 4, HC. The ingrossed bill, for encouragement and increase of navigation, was this day read the third time.

A clause was tendered to this bill; *viz.* "and it is further enacted, by the authority aforesaid, that, from and after the first day of April, which shall be in the year of our Lord 1661, no sugars, tobacco, cotton, wool,

ships; goods of foreign growth or manufacture were to be imported only from the places of their growth or manufacture, or from those ports from which they were usually first shipped; dried and salt fish, cod, herring, oil, and whale fins imported, if not caught in vessels of the proprietors, were to pay double alien customs; abatements given in the book of rates to goods imported or exported in ships built in England or the plantations were not to be allowed unless the master and three-fourths of the mariners were English; it enumerated goods to be deemed alien goods and subject to alien duties; it set forth in what cases and by what means foreign-built ships should be considered English and, under penalty and with certain exceptions, forbade governors of plantations to permit foreign-built ships to load without certificate that the law had been complied with; sugars, tobacco, and other enumerated articles from America, Asia, or Africa could be shipped only to the English dominions; it required all ships sailing from England, Ireland, or Wales to give bonds that the goods laden in the plantations would be brought into some English port, and commanded plantation governors to take such bonds from ships coming from any other port to the plantations. For a discussion of this act see Beer, *Old Colonial System*, pt. I., vol. I., pp. 58-77; D. O. McGovney, "The Navigation Acts as Applied to European Trade", in *Am. Hist. Rev.*, IX. 725; Edward Channing, on the Navigation Laws, in *Am. Antiquarian Soc., Proceedings*, n. s., VI. 160 *et seq.*; and for an account of its operation in Virginia see Bruce, *Econ. Hist. Va.*, I. 357-362.

²¹ The names of this committee are given in *C. J.*, VIII. 104.

²² The members of this committee are listed in the *Journals*, p. 146.

²³ Charles II., by treaty with Spain in 1656, had agreed, in the event of his recovering the crown of England, that he would return Jamaica, which had been taken by Cromwell (*Calendar of Clarendon State Papers*, III. 109-110). While this bill failed to pass the Lords, the matter was referred to a committee of the Privy Council, who, on Dec. 6, 1660, replied to the Spanish ambassador that Charles did not consider himself obliged "de rendre ces deux places de la Jamaïque et Dunquerque" (*Acts P. C. Col.*, I. 298, 299, 301, 302). This bill, which up to now was concerned only with Dunkirk, was first read on Aug. 25. *C. J.*, VIII. 135.

indicoes, ginger, fustick, or other dying wood, of the growth, production, or manufacture, of any English plantations in America, Asia, or Africa, shall be shipped, carried, conveyed, or transported, from any of the said English plantations, to any land, island, territory, dominion, port, or place, whatsoever, other than to such other English plantations as do belong to his Majesty, his heirs and successors, or to the kingdom of England, or Ireland, or principality of Wales, or town of Berwick upon Tweed, there to be laid on shore, under the penalty of the forfeiture of the said goods, or the full value thereof; as also of the ship, with all her guns, tackle, apparel, ammunition, and furniture; the one moiety to the king's Majesty, his heirs and successors; and the other moiety to him or them, that shall seize, inform, or sue for the same, in any court of record, by bill, plaint, or information; wherein no essoign, protection, or wager of law shall be allowed. And be it further enacted, by the authority aforesaid, that, for every ship or vessel, which, from and after the twenty-fifth day of December in the year of our Lord 1660, shall set sail out of, or from, England, Ireland, Wales, or town of Berwick upon Tweed, for any English plantation in America, Asia, or Africa, sufficient bond shall be given, with one surety, to the chief officers of the custom-house of such port or place, from whence the said ship shall set sail, to the value of one thousand pounds, if the ship be of less burden than one hundred tons; and of the sum of two thousand pounds, if the ship shall be of greater burden; that in case the said ship, or vessel, shall load any of the said commodity, at any of the said English plantations, that the same commodities shall be, by the said ship, brought to some port of England, Ireland, Wales, or to the port or town of Barwick upon Tweed, and shall there unload, and put on shore, the same; the danger of the seas only excepted: and, for all ships coming from any other port or place to any of the aforesaid plantations, who, by this act are permitted to trade there, that the governor of such English plantation shall, before the said ship, or vessel, be permitted to load on board any of the said commodities, take bond, in manner, and to the value aforesaid, for each respective ship, or vessel, that such ship, or vessel, shall carry all the aforesaid goods, that shall be laden on board in the said ship, to some other of his Majesty's English plantations; or to England, Ireland, Wales, or town of Berwick upon Tweed: and that every ship, or vessel, which shall load, or take on board, any the aforesaid goods, until such bond given to the said governor, or certificate produced from the officers of any custom-house of England, Ireland, Wales, or of the town of Berwick, that such bond have been there duly given, shall be forfeit, with all her guns, tackle, apparel, and furniture; to be employed and recovered in manner as aforesaid: and the said governors, and every of them, shall, twice in every year, after the first day of January 1660, return true copies of all such bonds, by him so taken, to the chief officers of the custom in London": which was read the first and second time; and, on the question, agreed; and ordered to be part of the bill.

Ordered, that, in the 6th skin, line 17, betwixt the word "commodities", and before the word "shall", these words be added, "or take in, or set on shore, any passengers", be inserted.

Ordered, that, in skin 1st, line 33, after the word "plantations", and before the word "territories", the word "or" be inserted, instead of the word "and".

Ordered, that, in skin 2, line 33, after the word "customs", these words "for the same" be omitted.

Ordered, that, in skin 4, line 48, after the word "English", and before the word "the", the word "from" be inserted, instead of the word "at".

Resolved, that this bill, with the said clause and proviso, do pass.

Resolved, that the title of this bill be, An act for encouraging and increasing of shipping and navigation:

That Sir George Downing do carry this bill to the Lords, to-morrow morning. (*Ibid.*, p. 151.)

Sept. 5, HC. Ordered, that Sir George Downing do carry to the Lords the bill for increase and encouragement of navigation:²⁴ (*Ibid.*, p. 153.)

Sept. 6, HL. *Hodie 1a et 2a vice lecta est billa*, An act for the encouraging and increasing of shipping and navigation.

Ordered, that the consideration of this bill is committed to these Lords following:

L. Treasurer,²⁵ D. Albemarle, L. Great Chamberlain,²⁶ L. Chamberlain,²⁷ Comes Winchilsea, Comes Bedford, Comes Bollingbrooke, Comes Bridgewater, Comes Westm'land, Comes Portland, Comes Bristoll, Comes North'ton, Comes Northumb., Comes Dorsett, Comes Denbigh, Ds. Berkeley of Strat., Ds. Robertes, Ds. D'acres, Ds. Fynch, Ds. Craven, Ds. Seymour, Ds. Wharton, Ds. Howard de Charl't., Ds. Grey, Ds. Lexington, Ds. Vaughan, Ds. Hunsdon, Ds. Langdale, Ds. Maynard, Ds. Arrundell, Ds. Gerard de Brandon, Ds. Rockingham.

Their Lordships, or any seven; to meet this afternoon, in the Prince's Lodgings, at three of the clock; and to adjourn from time to time, as they shall see cause. (*L. J.*, XI. 158.)

Sept. 7, HL. The Earl of Portland reported from the committee, the bill concerning the increasing of shipping and navigation of this kingdom; wherein the committee have prepared to offer some small alterations; as, the adding of these words in the fourth line ["the advice and consent of"]; and after the word ["England"] in the 12th line, leave out ["or England"]; and in the thirteenth line, after the word ["Tweede"], and before the word ["are"], read ["Ireland or"].

But in regard this bill is of so great concernment to the kingdom, the House thought fitter to pass by these alterations, rather than to stay the passing of it at this time; and to dispatch it as it came from the House of Commons.

Hodie 3a vice lecta est billa, An act for the encouraging and increasing of shipping and navigation.

And the question being put, whether this bill shall pass as a law?

It was resolved in the affirmative. (*Ibid.*, p. 160.)

²⁴ *L. J.*, XI. 156.

²⁵ Thomas Wriothesley, fourth earl of Southampton, 1660-1667.

²⁶ Montague Bertie, second earl of Lindsey.

²⁷ Edward Montague, earl of Manchester.

Sept. 11, HC. A bill for annexing Dunkirke and Mardyke in Flanders, and the island of Jamaica in America, to the crown of England, was this day read the third time.

Resolved, that in the last skin, 3d line, these words, “contributions, and other” be inserted, next before the word “revenues”.

Resolved, that these words, *viz.* “whereof the troop of his Royal Highness the Duke of Yorke to be part”, be inserted in the 20th line in the 3d skin next after the word “horse”.

And the said bill, so amended, being put to the question, passed.

Resolved, that this be the title of this bill, An act for annexing Dunkirke and Mardike in Flanders, and the island of Jamaica in America, to the crown of England.

That Mr. Annesley do carry this bill to the Lords.

Mr. Annesley carried to the Lords the bill for annexing Dunkirke and Jamaica to the imperial crown of this realm. (*C. J.*, VIII. 163.)

Sept. 11, HL. A message was brought from the House of Commons, by Arthur Annesley esquire; who brought up a bill for annexing Dunkerke and Mardike in Flanders, and Jamai’a in America, to the crown of England.

Hodie 1a et 2a vice lecta est billa, An act for annexing Dunkerke and Mardike in Flanders, and the island of Jamaica in America, to the crown of England.

Ordered, that the consideration of the abovesaid bill be referred to these Lords following:

D. Albemarle, L. Chamberlain, L. Steward,²⁸ *Comes* Bristoll, *Comes* Northumb., *Comes* Portland, *Comes* Dorsett, *Comes* Winchilsea, *Comes* Denbigh, *Comes* Peterborough, *Comes* Leycester, *Comes* Derby, *Comes* Chesterfeild, *Comes* Bridgwater, *Comes* Bollingbrooke, *Comes* Berks, Viscount Conway, *Ds.* Craven, *Ds.* Grey, *Ds.* Willoughby, *Ds.* Culpeper, *Ds.* Gerard, *Ds.* Byron, *Ds.* Lovelace, *Ds.* Langdale, *Ds.* Sandys, *Ds.* Lexington.

Their Lordships, or any seven; to meet in the Prince’s Lodgings, the 10th of November next ensuing. (*L. J.*, XI. 167.)

Sept. 13, HC, HL. The speech, which the Speaker of the House of Commons made unto the king, the thirteenth of September 1660, the day of their adjournment. . . .²⁹

Most Gracious and Royal Sovereign,
Sir,

There is another bill, intituled, An act for encourageing and increasing shipping and navigation; which will enable your Majesty to give the law to foreign princes, abroad, as your royal predecessors have done before you: and it is the only way to enlarge your Majesty’s dominions all over the world; for, so long as your Majesty is master at sea, your merchants will be welcome where-ever they come; and that is the easiest

²⁸ James Butler, marquis of Ormonde.

²⁹ Until Nov. 6. Against the king’s inclination, this was an adjournment without ending the session. *C. J.*, VIII. 171; *L. J.*, XI. 173.

way of conquering, and the chiefest way of making whatsoever is, theirs: and when it is ours, your Majesty cannot want it. . . . (C. J., VIII. 174, 175.)

Then his Majesty gave command for the passing of these bills following; the clerk of the crown reading the titles, and the clerk of the Parliaments⁸⁰ pronouncing the royal assent; *videlicet*,

1. An act for encouraging and increasing of shipping and navigation. . . .

To these public bills the royal assent was pronounced in these words: "*Le Roy le veult.*" . . . (L. J., XI. 171.)

After his Majesty had ended his speech, the Lord Chancellor⁸¹ said as followeth . . .

My Lords and Gentlemen,

I told you I was to acquaint you with some things his Majesty intends to do during this recess, that you may see he will give no intermission to his own thoughts for the public good, though for a time he dispenses with your assistance.

He doth consider the infinite importance the improvement of trade must be to this kingdom; and therefore his Majesty intends forthwith to establish a council for trade, consisting of some principal merchants of the several companies, to which he will add some gentlemen of quality and experience; and, for their greater honour and encouragement, some of my Lords of his own Privy Council.

In the next place, his Majesty hopes, that, by a well-settled peace, and God's great blessing upon him and you, this nation will in a short time flourish to that degree that the land of Canaan did, when Esau found it necessary to part from his brother; *for their riches were more, than that they might dwell together; and the land wherein they were could not bear them, because of their cattle.* We have been ourselves very near this pinnacle of happiness; and the hope and contemplation that we may be so again, disposes the king to be very solicitous for the improvement and prosperity of his plantations abroad, where there is such large room for the industry and reception of such who shall desire to go thither; and therefore his Majesty likewise intends to erect and establish a council for those plantations, in which persons well qualified shall be wholly intent upon the good and advancement of those plantations. . . .⁸² (*Ibid.*, pp. 173, 175; C. J., VIII. 171, 173-174.)

Nov. 8, 1660. Resolved, that the consideration of the fisheries of this kingdom be referred to the committee for trade and navigation; who are to consider and propose to this House what they shall think necessary, for the regulation and advancement of that trade. . . .

⁸⁰ John Browne.

⁸¹ Sir Edward Hyde, afterwards earl of Clarendon.

⁸² The commission for the council of trade passed the great seal Nov. 7, 1660; that for the council for foreign plantations is dated Dec. 1. The former consisted of 62 members, the latter of 48; 28 members were common to both. For accounts of the organization and work of these bodies see C. M. Andrews, *British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675*, pp. 64-85; Beer, *Old Colonial System*, pt. I., vol. I., pp. 231-241.

Resolved, that it be referred to the same committee, to consider what is fit to be done for inhibiting to planting of tobacco in England; and to bring in a bill for that purpose. (*Ibid.*, p. 179.)

Nov. 10, HL. Ordered, that the committee for the bill concerning Dunkerke to meet on Tuesday next, in the afternoon.⁸³ (*L. J.*, XI. 183.)

Nov. 14, HL. Ordered, that this day sevensnight the House shall be adjourned into a committee of the whole House, to take into consideration the bill concerning Dunkerke, etc. (*Ibid.*, p. 185.)

Nov. 21, HL. The House was adjourned into a committee of the whole House, to consider of the bill concerning the annexing of Dunkerke and Jamaica to the crown of England.

The House was resumed. (*Ibid.*, p. 189.)

Nov. 24, HL. *Hodie 1a vice lecta est billa*, An act for prohibiting the planting of tobacco within the kingdom of England.⁸⁴ (*Ibid.*, p. 191.)

Nov. 26, HC. Ordered, that the bill prepared by the committee of trade, for restraining the planting of English tobacco, be read on Wednesday morning next.⁸⁵ (*C. J.*, VIII. 192.)

Nov. 27, HL. *Hodie 2a vice lecta est billa*, An act prohibiting the planting of tobacco within the kingdom of England.

Ordered, that the consideration of this bill be committed to the same committee as the bill for dressing of leather.⁸⁶ (*L. J.*, XI. 193.)

Nov. 29, HC. A bill against planting tobacco in England, was this day read the first and second time; and, upon the question, committed to the committee for trade.⁸⁷ (*C. J.*, VIII. 194.)

Nov. 29, HC. A bill against planting tobacco in England was read a first time. Mr. Prynne spoke against it, because it forbad the planting any tobacco, though for physic or surgery. But Mr. Knight, Mr. Harris, and Sir George Downing, speaking for the bill, it was read a second time, and committed to the committee for trade. (*Parl. Hist. Eng.*, XXIII. 32.)⁸⁸

Nov. 29, HL. The Marquis of Worcester reported from the committee, the bill prohibiting planting of tobacco in England, as fit to pass, with some small alterations; which, being read twice, were agreed to, and ordered to be ingrossed. (*L. J.*, XI. 194.)

Nov. 29, HL. Ordered, that the bill concerning Dunkerke, etc. shall be taken into consideration on Tuesday morning next, the first business. (*Ibid.*, p. 195.)

⁸³ See note 23, p. 278, *ante*.

⁸⁴ No action was taken on this bill by the Commons after it had passed the House of Lords. As will be seen, a bill of the same character, introduced in the House of Commons, passed both Houses.

⁸⁵ Postponed until Thursday morning, Nov. 29. *Journals*, p. 194.

⁸⁶ The same page of the *Journals* contains the names of this committee.

⁸⁷ 12 Car. II. c. 34 (*Statutes*, V. 297). The preamble stated "how great concern and importance it is that the colonies and plantations of this kingdom in America be defended, protected, maintained, and kept up", since they employed considerable shipping and supplied England with several commodities formerly purchased of foreigners at dearer rates. As tobacco was one of their principal products and was more wholesome than that grown at home, the planting of which diminished the customs, the act prohibited the planting, setting, or sowing of tobacco in England and Ireland, excepting the production of small quantities for medicinal purposes.

⁸⁸ No definite reference is given to the source of the materials concerning this Parliament printed in this work.

Dec. 4, HL. Hodie 3a vice lecta est billa, An act to prohibit the planting of tobacco in the kingdom of England.

The question being put, whether this bill shall pass as a law?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Mr. Brampston and Mr. Hobart;⁸⁹

To deliver to them four bills, and to desire their concurrence therein:

3. The bill against planting of tobacco in Engl. (*Ibid.*, p. 198.)

Dec. 6, HC. Sir George Downing reports amendments to the bill for restraining the planting of tobacco in England: which he first read in his place; and were afterwards read the first and second time by the clerk; and were after read by parts: and the first and second amendments were, on the question, agreed unto.

The third amendment was read; and with some amendments thereunto made at the table, and the omission of the penalty on justice of peace etc. fol. 2, line 8, was agreed unto.

The 4th amendment was read; and, on the question, the blank beginning folio 2, line 15, and ending line 18, was ordered to be omitted.

The fifth amendment was read; and, on the question, agreed unto.

A proviso, reported with the said amendments, was read; and with the addition of these words, "and chirurgery", next after the word "physick", the same was agreed unto.

Ordered, that the fines set by this act, be divided, one moiety to the king's Majesty, the other moiety to the prosecutor, as is expressed folio 2, line 11, after the word "aforesaid"; and that the clause be inserted accordingly.

Resolved, that this bill, so amended, be ingrossed. (*C. J.*, VIII. 199.)

Dec. 7, HC. The Lord Viscount Valentia reports, from the committee, a list of bills depending before the House; and the committee's opinion thereon; being as follows;

Resolved, that every day, precisely at nine of the clock, the House be desired to enter upon one of the publick bills following; which are, by this committee judged to be the most important to be dispatched; *viz.*

9. The bill concerning tobacco.

He also reports a list of other bills, sent from the Lords; *viz.*

For prohibiting the planting of tobacco in England. (*Ibid.*, pp. 200-201.)

Dec. 7, HC. Mr. Pryn reports from the committee, a list of bills, formerly sent to the Lords from this House, and depending before their Lordships, unpassed: which was read, being as followeth:

Bills sent from the Commons before the recess; and depending before the Lords.

Bill for uniting Donkerke and Jamacha to the imperial crown of this realm. (*Ibid.*, p. 201.)

⁸⁹ *C. J.*, VIII. 197.

Dec. 10, HL. Ordered, that the bill concerning Dunkerk, etc. shall be taken into consideration on Thursday morning next. (*L. J.*, XI. 204.)

Dec. 17, HC. Resolved, that the ingrossed bill, for restraining the planting of English tobacco in England, or the dominions thereof, be now read the third time.

And it was accordingly read the third time; and, on the question, passed.

Resolved, that the title of this act be, An act for prohibiting the planting, setting, or sowing of tobacco in England and Ireland.

Resolved, that this bill be carried to the Lords: and Sir George Downing is to carry it to the Lords.⁴⁰ (*C. J.*, VIII. 212.)

Dec. 20, HL. *Hodie 1a, 2a, et 3a vice lecta est billa*, An act to prohibit the planting of tobacco in England and Ireland.

And the question being put, whether this bill shall pass for a law?

It was resolved in the affirmative. (*L. J.*, XI. 218.)

Dec. 20, HL. A message was sent to the House of Commons, by Dr. Chylde and Dr. Woolrich⁴¹

2. To let them know, that their Lordships have passed these bills which came up from them:

1. The bill against planting of tobacco in England. . . . (*Ibid.*, p. 220.)

Dec. 21, HC. Colonel King reports a bill for the excise and accompts: which was read the first and second time; and, on the question, committed to Mr. Thomas, Sir Roger Bradshaw, Sir Richard Onslow, Sir John Frederick, Sir Roger Wolsley, Sir Sol. Swayle, Mr. Henly, Sir Gilb. Gerard, Mr. Hollis, Mr. Bulkley, Lord Fairfax, Mr. Elliott, Mr. Bampfield, Mr. Pryn, Lord Viscount Valentia, Mr. Chafe, Mr. Yong, Mr. Sprey, Sir Geo. Downing, Mr. Buller, Sir Wm. Tredenham, Sir Allen Brodericke, Sir Edmond Bowyer, Mr. Sprey,⁴² Mr. Jolliffe, Sir Wm. Lewes, Sir Edw. Massey, Mr. Knightly, Mr. Walpoole, Colonel King, Mr. Titus, Sir Tho. Meeres, Mr. Pryn,⁴³ Mr. Elliot, Sir Wm. Doyly, Mr. Knight, Colonel Birch, Sir Wm. Vincent, Sir Lancelot Lake, Mr. Rolle, Mr. Harris, Sir Tho. Dacres, Mr. Bascowen; or any five of them: and they are to consider of the monies collected for propagating the Gospel in New England (*C. J.*, VIII. 222.)

Dec. 29, HC, HL. This day being appointed by his Majesty for dissolving this present Parliament, his Majesty, sitting in his throne, gave command to the Gentleman Usher of the Black Rod, to go to the House of Commons; and let them know his Majesty's pleasure, that they presently come and attend him with their Speaker; who, after a little while, came up; and, after a speech made to his Majesty by their Speaker;

(Here enter it.)

⁴⁰ *L. J.*, XI. 214.

⁴¹ *C. J.*, VIII. 220.

⁴² Apparently a repetition of the same name above, since there were not two of this name in this Parliament.

⁴³ There were two representatives by the name of William Pryn, the one from Bath, the other representing Ludgershall. There were also two members of the name following—John Elliott, M. P. for Downton, and John Eliot, representing St. Germans.

Most Gracious and Dread Sovereign

There is another bill, intituled, An act for prohibiting the planting, setting, or sowing of tobacco, in England and Ireland. This climate is so cold, that it never comes to any maturity or perfection; for we find by experience, though it be never so well healed, made up with the greatest art and skill that possibly ⁴⁴ can be, yet it is impossible, after it is made up into the roll, to keep it, and preserve it from putrifying, above three or four months at the most; and therefore physicians, even those that love it best and use it most, conclude generally, that it is unwholesome for mens bodies. Besides, many other great damages and inconveniencies will follow upon it, if it should be permitted: the abatement of your Majesty's custom; the destruction of your plantations abroad; the discouraging of navigation; and so consequently the decay of shipping, which are the walls and bulwarks of your Majesty's kingdom. . . . (L. J., XI. 233, 234.)⁴⁵

These bills, being received from the Speaker by the clerk of the Parliaments, were brought to his table; and had the royal assent given them, with other bills, as followeth. The several titles were read by the clerk of the crown

2. An act for prohibiting the planting, setting, or sowing, of tobacco, in England and Ireland. . . .

To these five bills the royal assent was pronounced, by the clerk of the Parliament, in these words, "*Le Roy le veult.*" (*Ibid.*, p. 235.)

[*No date*], HL. To the right Honourable the Lords in Parliament assembled.

The humble pet[ition] of Nath'll Hawes and George Payne.

Sheweth that in the yeare 1637 their shipp the *Elizabeth* with about 120 passengers and marriners sailing peaceably on a trading voyadge for Virginia was surprized and taken by the Spanish West India fleete and after spoyld and many abuses offered to the persons in the said shipp they were all caried into Spaine some of them imprisoned there and ther shipp and goods still detained contrary to the articles of peace.

That in 1647 the petitioners as also the company of the ile of Providence petitioned this honourable House that they might have satisfaction out of 50,000 *li.* belonging to Spaniards, by the petitioners *anno* 1642 arrested and by law liable to there satisfaction.

There petitions this honourable House were graciously pleased to graunt. And the 12th July 1647 transmitted there said petitions to the then Howse of Commonns for there concurrence as may appeare by the copyes annexed which by reason of the interruption of this honourable House never yett received answeare.⁴⁶

The petitioners therefore humbly beseech your honours will bee pleased to commiserate there sad condition being ruyned by this long dalay and to afford them such releife as to justice appertayneth and is agreable to the

⁴⁴ Note in *Journals*, "Origin. possible".

⁴⁵ Also Add. MSS. 27590 ("Journal of Proceedings in the House of Lords, with copies of the king's speeches, etc., May 3-Dec. 29, 1660").

⁴⁶ See pp. 100, 101, 105, 114, 116, 198, *ante*.

law of nations and the law of the kingdome all which they humbly submit to your honours.

And your petitioners as bound shall ever pray.⁴⁷ NATH. HAWES, GEO: PAYNE. (MSS. H. of L.)

⁴⁷ The *Journals* contain no reference to this petition. It may not have been reported from the committee appointed to receive and hear petitions, since relief would more properly come through a court of law or equity. See *L. J.*, XI. 57. Annexed to the petition are copies of the earlier petitions referred to in the context, of the certificate of Sir Henry Martin who sat in the Admiralty proceedings, and of papers bearing on the reference of the case to the court of Spain. All are calendared in Hist. MSS. Comm., *Seventh Rept.*, App., pp. 141-142. The only endorsement is, "Nathaniell Hawes and George Paine".

CHARLES II.: SECOND PARLIAMENT.¹*Session of May 8, 1661–May 19, 1662 (13-14 Car. II.).*

1661.

May 8, HC, HL. After his Majesty had finished his speech, the Lord Chancellor,² having first conferred with his Majesty, spake as followeth:

My Lords; and you the Knights, Citizens, and Burgesses, of the House of Commons

About this time, the House of Commons sent up a bill to the Lords, for the annexing Dunkirk and Jamaica to the crown of England, which seemed to have the most universal consent and approbation from the whole nation that ever any bill could be attended with:³ yet the same consideration which retarded the treaty with Portugall made the king less warm towards the advancing of that bill; and the Spanish ambassador was as solicitous to obstruct it, as he hath been since to obstruct the match with Portugall. . . . They⁴ observed, that in the same memorials (I do not mean that which he last printed, but a former) in which the Spanish ambassador threatens war if the king marries with Portugall, he presseth very earnestly the delivering up of Dunkirke and Jamaica; and it is plain enough, he would have that recompence for the portion he would give. And, in truth, whosoever is against the match with Portugall, is for the delivery of Dunkirke and Jamaica; war being as sure to follow from the latter as the former, and from neither till the King of Spaine find it convenient for himself, which I hope he will not yet do. . . . (*L. J.*, XI. 241, 244.)

June 17, HC. A bill for the preventing the mischiefs and dangers that may arise by certain persons called Quakers, and other schismatics, was this day read the first time.⁵

Resolved, that the same be read again, the second time, on this day sevensnight. (*C. J.*, VIII. 273.)

June 29, HC. An act for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and other schismatics, was this day read the second time.

Resolved, that the same be committed to Mr. Pryn, Sir Ralph Aston, Sir Hump. Winch, Sir Jo. Strangways, Mr. Dennis, Sir Edm. Peirse, Mr. Rigby, Mr. Whorwood, Sir Hen. Newton, Sir Antho. Irby, Sir

¹ This Cavalier or Pensionary Parliament was not dissolved until Jan. 24, 1678/9. *L. J.*, XIII. 448.

² Edward Hyde, first earl of Clarendon.

³ See p. 284, *ante*.

⁴ The Council.

⁵ 14 Car. II. c. 1 (*Statutes*, V. 350). The act provided penalties for those refusing to take an oath: the third offense was punishable by abjuration of the realm or transportation to the plantations.

Rich. Ford, Mr. Kirby, Colonel Windham, Mr. Churchill, Mr. Tent, Mr. Robinson, Sir Solo. Swale, Sir Cha. Harbord, Sir Hugh Windham, Mr. Hussey, Mr. Hender Roberts, Mr. Birkenhead, Mr. Chetwind, Mr. Manwaring, Mr. Clifton, Sir Jo. Goodrick, Mr. Milward, Sir Edm. Poole, Mr. Strangwayes, Mr. Lowther, Sir Jo. Duncombe, Colonel Shackerley, Sir Jo. Covert, Mr. Puckering, Mr. Jo. Newton, Mr. Fane, Lord Ancram, Sir Hugh Windham, Mr. Wharton, Mr. Shaw, Mr. Edw. Seymor, Sir Robert Holt, Mr. Harbord, Mr. Corey, Sir Jo. Harrison, Mr. Roberts, Mr. Musgrave, Sir Tho. Leigh, Lord St. John, Mr. Crouch, Mr. Dawson, Sir Jo. How, Mr. Attorney of the Duchy,⁶ Mr. Law. Hyde, Mr. Higgins, Sir Cha. Cornwallis, Mr. Bunkley, Sir Hen. North, Mr. Bennett, Mr. Earnley, Sir Tho. Peyton, Sir Wm. Lewes, Sir Tho. Fanshaw, Sir Ja. Smith, Mr. Griffin, Mr. Clerke, Sir Matth. Apleyard, Lord Angier, Colonel Bethell, Sir Jo. Bramston, Sir Chichester Wray, Sir Geo. Ryve, Mr. Yorke, Mr. Shaw, Sir Hen. Herbert, Sir Jo. Holland, Sir Ben. Ayloff, Mr. Edw. Seymor, Sir Allan Apsley, Sir Hen. Felton, Sir Tho. Smith, Sir Wm. Doyley, Sir Fran. Clerke: and they are to meet this afternoon, at two of the clock, in the Exchequer Chamber: and all the members that come are to have votes. (*Ibid.*, p. 285.)

July 3, HL. Upon report this day from the committee of petitions, concerning Colonel Guy Moulsworth, against Sir James Drax and others, for some things done in Barbados:

It is ordered, that the petition of the said Colonel Moulsworth, and the contents thereof, are hereby laid aside.⁷ (*L. J.*, XI. 297.)

July 10, HC. Ordered, that the committee to whom the bill for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and other schismatics . . . be revived; and do sit in the Exchequer Chamber this afternoon, at two of the clock. (*C. J.*, VIII. 297.)

July 12, HC. Mr. Crouch made report from the committee to whom the bill for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and other schismatics, was committed, several amendments to the said bill: which he read, with the coherence, in his place; and then delivered in at the clerk's table: and the said amend-

⁶ John Heath.

⁷ A petition from Molesworth, dated June 18, 1661, and probably the same as is here referred to, is printed in Hist. MSS. Comm., *Seventh Rept.*, App., p. 146, as follows: "In the year 1649 petitioner being then an inhabitant of the island of Barbadoes was, by the malice and false suggestion of Sir James Drax and others without any just cause, made a close prisoner in the island for three months. And after, those persons calling themselves a Court of War, endeavoured by tortures and other barbarous proceedings used towards certain persons to compel them to accuse petitioner, in order that they might have some pretence to take away his life, but not being able to prove anything against him, they proceeded to banish him whereby his interest in the island, then being very considerable, was totally lost, and he, with his wife, children, and forty persons in his family, was forced to sea, and exposed to all hazards in a vessel of no force, and by that means fell into the hands of pirates, to his utter undoing and damage of £20,000. Petitioner prays that the persons complained against may be ordered to appear before their Lordships, and that he may receive some recompense." See also Davis, *Cavaliers and Roundheads of Barbados*, p. 140.

ments being severally twice read; and much debate being had, touching some alterations and additions, to be made therein;

Resolved, that the said bill and amendments be recommitted to the former committee; who are to consider of the whole subject matter of the debate: and they are to meet this afternoon in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 299.)

July 12, HC. Ordered, that the report of the bill against Quakers be heard to-morrow morning. (*Ibid.*)

July 16, HC. Mr. Crouch reports from the committee to whom the bill for preventing the mischiefs and dangers that may arise by certain persons called Quakers was recommitted, several other amendments, besides those formerly reported, and a proviso to be added to the said bill: which he read, with the coherence, in his place; and afterwards delivered in the same, with the bill, at the clerk's table: which said amendments being severally twice read, and the said proviso being, upon the first reading thereof, amended at the table; and then twice read;

Resolved, that this House doth agree to the said amendments, and proviso; and that the said bill, with the said amendments, and proviso so amended, be ingrossed. (*Ibid.*, p. 303.)

July 19, HC. A bill for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and others, refusing to take lawful oaths, being ingrossed, was this day read the third time.

A petition being tendered, on the behalf of certain persons called Quakers, by some at the door, who go under that notion, and desired to be heard before the said bill do pass;

Resolved, that the persons at the door be called in.

And the said four persons, namely, Edward Burroughs, Richard Hubblethorn, George Whitehead, and Edward Pyot, being thereupon permitted to come to the bar of this House, did severally offer what they had to say against the passing of the said bill; and tendered a printed paper, which they desired might be read.

After which, they being caused to withdraw;

And the House resuming the debate of the said bill;

Resolved, upon the question, that the said bill do pass: and that the title of the said bill be, An act for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and others, refusing to take lawful oaths.

And Mr. Crouch is to carry up the said bill to the Lords, for their concurrence.^a (*Ibid.*, p. 305.)

July 23, HL. *Hodie ia vice lecta est billa*, An act for preventing the mischief that may arise by certain persons called Quakers, and others, refusing to take lawful oaths. (*L. J.*, XI. 318.)

July 25, HC. Ordered, that Sir Phillip Warwick do prepare and bring in a bill to-morrow morning, to confirm the several acts hereafter mentioned; *viz.*

The act of navigation

The act concerning tobacco (*C. J.*, VIII. 312.)

^a *L. J.*, XI. 316.

July 26, HC. A bill for confirming several acts, made by his Majesty, with the advice and consent of the Lords and Commons, expressed in the bill, was this day read the first time.⁹

Resolved, that the same be read again, the second time.

And the same being read again, the second time; And

Resolved, that the said bill be ingrossed. (*Ibid.*, p. 313.)

July 26, HC. A bill for confirming several acts, made by the king, with the advice of the Lords and Commons in the last assembly, expressed in the bill, being ingrossed, was this day read the third time:

And a proviso was tendered to be added to the bill; which, upon the question, was laid aside.

Resolved, that the said bill do pass.

Resolved, that the title of the said bill be, An act for confirming several acts, made by the King, with the advice of the Lords and Commons in the last assembly, expressed in the bill, being ingrossed.

And Sir Phillip Warwick is to carry up the bill to the Lords.¹⁰ (*Ibid.*)

July 27, HL. *Hodie 1a vice lecta est billa*, An act for confirming an act, intituled, An act for encouraging and increasing of shipping and navigation; and several acts, both public and private, mentioned therein. (*L. J.*, XI. 324.)

July 27, HL. *Hodie 2a et 3a vice lecta est billa*, An act for confirming an act, intituled, An act for encouraging and increasing of shipping and navigation; and several other acts, both public and private, mentioned therein.

And the question being put, whether this bill shall pass for a law?

It was resolved in the affirmative. (*Ibid.*)

[July 27], HL. To the Right Honourable the Committee of Lords appointed for regulateing the abuses of printing.¹¹

The humble petition of Thomas Clarke and Jane his wife, the late wife, and executrix of Nicholas Bourne late cittizen and stationer of London deceased.

Humbly sheweth that the said Nicholas Bourne did purchase for his copy a certaine forme for printing bills of lading in English, French, Spanish, Italian and Dutch, and one other forme for printing indentures for binding servants to persons which are planters in his Majesties islands of Virginia, New England, Barbadoes, St. Christophers and the Summer Islands etc. and also one other forme for printing bills of debt for money, tobacco, muscavadoe sugar etc. And according to a decree of Star-Chamber bearing date the 11th day of June in the 11th yeare of the raigne of his late Majesty King Charles the First (of ever blessed memory) concerning printing, did enter the said severall formes into the publique

⁹ 13 Car. II. c. 14 (*Statutes*, V. 316). See preceding item.

¹⁰ *L. J.*, XI. 322. The act received the royal assent July 30. *Ibid.*, p. 330.

¹¹ The act to restrain unlicensed and disorderly printing (14 Car. II. c. 33) passed in the Commons, Saturday, July 27, and after two readings in the House of Lords was referred to a committee which was to meet that afternoon. The bill was passed by the Lords on July 29. *C. J.*, VIII. 313, 314, 315; *L. J.*, XI. 324, 325, 326, 327.

register for his owne perticular copyes (and that by order of a full court of assistants of the Company of Stationers London).¹²

Which said severall copyes as well by the said decree, as by the orders of the said Company of Stationers ought not to bee reprinted by any other person without the consent of the said Nicholas Bourne, or of your petitioners (whose just right they now are); yet notwithstanding during the late licentious times the same have been and still are by severall persons printed and reprinted at their owne pleasures to your petitioners great losse and damage.

Your petitioners therefore most humbly pray your honours would please to take the premisses into your grave and serious considerations, to the end that there may bee such provisions made in the act now under your honours consideration as may secure your petitioners interest in the said printing formes, for which hee the said Nicholas Bourne did pay a valuable consideration.

And your petitioners (as in duety nevertheless bound) shall ever pray etc. THOMAS CLARKE, JANE CLARKE (MSS. H. of L.)¹³

Nov. 26, HL. Hodie 2a vice lecta est billa, An act for preventing the mischiefs and dangers that may arise by certain persons called Quakers, and others, refusing to take the lawful oaths.

Ordered, that the consideration of this bill is committed to these Lords following: L. Privy Seal,¹⁴ Duke of Richmond, L. Chamberlain,¹⁵ *Comes* Derby, *Comes* Lyncolne, *Comes* Bridgwater, *Comes* North'on, *Comes* Bristoll, *Comes* Midd.,¹⁶ *Comes* Bollingbrooke, *Comes* Chesterfeild, *Comes* Portland, *Comes* Anglesey, Viscount Hereford, Viscount de Stafford, Viscount Mordant, Archbp. Eborac., *Epus.* London, *Epus.* Durham, *Epus.* Chichester, *Epus.* Sarum, *Epus.* Worcester, *Ds.* Hunsdon, *Ds.* Chandos, *Ds.* Arrundell, *Ds.* Craven, *Ds.* Lovelace, *Ds.* Hatton, *Ds.* Lucas, *Ds.* Bellasis, *Ds.* Lexington, *Ds.* Ashley, *Ds.* Delamer.

Their Lordships, or any five; to meet on Thursday next, at three of the clock in the afternoon, in the Prince's Lodgings; and to adjourn themselves from time to time. (*L. J.*, XI. 338.)

Nov. 29, HL. The Duke of Richmond reported from the committee the bill concerning Quakers, wherein the committee have thought fit to make some alterations, which are offered to the consideration of the House.

The said alterations were read twice; and, after some debate, it is ordered, that the said bill is re-committed to the further consideration of the same committee, who are to meet this day sevensnight.¹⁷ (*Ibid.*, p. 340.)

¹² Bourne published from 1608 to 1640. The forms here referred to are entered in the register under date of June 8, 1636, by order of the court dated May 6. *Transcript of the Registers of the Company of Stationers of London*, IV. 364.

¹³ Endorsed, "1661 Mr. Clarke Printing". Calendared in Hist. MSS. Comm., *Seventh Rept.*, App., p. 151.

¹⁴ John, Lord Robartes, afterwards earl of Radnor.

¹⁵ Montague Bertie, earl of Lindsey, was Lord Great Chamberlain; Edward, earl of Manchester, Lord Chamberlain of the Household.

¹⁶ Middlesex.

¹⁷ Dec. 16 a message was sent from the House of Commons reminding the Lords of this bill. *C. J.*, VIII. 333; *L. J.*, XI. 351.

Dec. 17, HL. The Earl of Bridgwater reported the bill concerning the Quakers, with some amendments, which are offered to their Lordships consideration; which amendments were read twice.

And the question being put, whether this bill shall be re-committed?

It was resolved in the affirmative.

Ordered, that this committee shall meet about this business the first Thursday after Twelfth Day,¹⁸ *videlicet*, the 9th day of January next, in the afternoon. (*Ibid.*, p. 353.)

Dec. 20, HC, HL. His Majesty, sitting in his throne, arrayed in his regal robes, the Lords being likewise in their robes; the Commons, being sent for, came with their Speaker;¹⁹ who made this speech following:

. . . . The honourable accessions of Dunkirk, Tangier, and Jamaica, do at present require a great supply; but, we have reason to believe, in time to come, will repay this nation their principal with good interest. . . . (*Ibid.*, p. 357.)

1661/2.

Jan. 14, HC. A bill for the regulating, employing, and providing for the poor, was this day read the first time.

Resolved, that this bill be read again, the second time, on Thursday next.²⁰ (*C. J.*, VIII. 345.)

Jan. 16, HL. The Earl of Bridgwater reported, that the committee have considered again the bill concerning Quakers, and have thought fit to make one more alteration therein, which they offer to the consideration of the House; and that the committee are of opinion, that the title and the body of the bill do not cross one another.

Upon some debate hereof: it is ordered, that the said bill be re-committed to the same committee, that it may extend only to Quakers: and the committee are to meet to-morrow morning, at eight of the clock; and the Lord Mohun is added to this committee. (*L. J.*, XI. 365.)

Jan. 17, HC. A bill for the better relief and employment of the poor, and the punishment of vagrants, and other disorderly persons, within the cities of London and Westminster, and the liberties thereof, and the bills of mortality, was this day read the second time.

Resolved, that the same be committed to Mr. Ashburnham, Mr. John Jones, Sir Lancelott Lake, Mr. William Sandys, Sir William Lowther, Mr. Long, Sir John Talbott, Sir Robert Atkins, Mr. Harbord, Mr. Pryn, Serjeant Charleton, Sir Theop. Biddulph, Sir Phillip Musgrave, Master of the Rolls,²¹ Mr. Attorney of the Duchy, Mr. William Coventry, Sir Richard Ford, Sir Richard Browne, Sir Anthony Irby, Mr. Smith, Mr. Yorke, Sir Henry North, Sir Thomas Widdrington, Sir John Duncombe,

¹⁸ Epiphany, Jan. 6, twelve days after Christmas.

¹⁹ Sir Edward Turner.

²⁰ 14 Car. II. c. 12 (*Statutes*, V. 401). Section 6 empowers justices of the peace in their quarter sessions to signify to the Privy Council the names of such rogues, vagabonds, idle and disorderly persons, and beggars as they shall think fit to be transported to the plantations, there to be disposed of in the usual way of servants for a term not exceeding seven years. Section 23 authorizes justices to transport all rogues, vagabonds, and beggars duly convicted and adjudged to be incorrigible.

²¹ Sir Harbottle Grimston.

Sir Charles Harbord, Sir John Maynard, Sir Edward Massey, Serjeant Keeling, Mr. Birch, Mr. Musgrave, Mr. Solicitor General,²² Mr. Henry Coventry, Sir Thomas Bludworth, Sir John Goodricke, Mr. Bunckley, Sir William Fleetwood, Sir Adrian Scroope, Sir Solomon Swale, Sir John Brampton, Mr. Crooke, Sir Robert Brooke, Sir Allan Broderick, Mr. Trelawney, Mr. Chetwind, Mr. Churchill, Colonel Windham, Sir Clement Throgmorton, Mr. Newton, alias Puckering, Mr. Knight, Sir Thomas Tomkins, Colonel Gilby, Mr. Crouch, Sir Thomas Littleton, Sir John Denham, Sir John Shaw, Sir Thomas Allen, Sir Edward Moseley, Sir John Holland, Mr. Jollife, Mr. Gawdy, Sir Allan Apsley, Sir Thomas Leigh, Mr. Clifford, Sir Thomas Lee, Colonel Kirkby, Mr. Comptroller,²³ Sir Henry Puckering, alias Newton, Mr. Goodrick, Colonel Fretchville, Sir Ralph Hare, Sir William Tompson: and they are to meet, in the Exchequer Chamber, to-morrow, at two of the clock in the afternoon: and to send for persons, papers, and records: and all other members of this House, who shall come to the said committee, are to have voices thereat. (*C. J.*, VIII. 346.)

Jan. 18, HC. A bill for preventing frauds and abuses to his Majesty, in relation to his duties of customs, was this day read the first time.

Resolved, that this bill be read the second time on Tuesday morning next.²⁴ (*Ibid.*, p. 347.)

Jan. 28, HL. The Earl of Bridgwater reported from the committee, the bill concerning Quakers, with alterations; which, being twice read, were agreed to.

Hodie 3a vice lecta est billa, An act for preventing the mischiefs and dangers that may arise, by certain persons called Quakers refusing to take lawful oaths.

The question being put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Justinian Lewin and Sir Moundeford Bramston:

To deliver to them the bill concerning the Quakers; and desire the concurrence of the House of Commons to the alterations.²⁵ (*L. J.*, XI. 372.)

²² Heneage Finch.

²³ Sir Hugh Pollard.

²⁴ 14 Car. II. c. 11 (*Statutes*, V. 393). This act explains and amends the Navigation Act of 1660. Section 23 reads: "And whereas some Doubts and Disputes have arisen concerning the said late Act for encreasing and encouraging of Shipping and Navigation about some of the Goods therein prohibited to be brought from Holland and the Parts and Ports thereabouts Be it enacted and declared That no sort of Wines (other than Rhenish) no sort of Spicery Grocery Tobacco Potashes Pitch Tar Rozen Deale Boards Fir Timber or Olive Oyle shall be imported into England Wales or Berwick from the Netherlands or Germany upon any pretence whatsoever in any sort of Ships or Vessels whatsoever upon penalty of the losse of all the said Goods as alsoe of the Ships and Furniture." Concerning this, see D. O. McGovney, "The Navigation Act as applied to European Trade", in *Am. Hist. Rev.*, IX. 728-729. Among the many other general provisions of the act concerning trade, section 5 provides that all foreign ships not built in the plantations, or others not bought before Oct. 1, 1662, shall be deemed aliens; and that subjects of England, Ireland, and the plantations are to be accounted English in fulfilling the requirements of the act of 1660 that the master and three-fourths of the mariners shall be English. The second reading of this bill was postponed until Jan. 29. *C. J.*, VIII. 349.

²⁵ *C. J.*, VIII. 353. The Commons refused to accept some of the amendments, and again referred the matter to a committee.

Jan. 29, HC. A bill, for preventing frauds and abuses to his Majesty in relation to the customs, was this day read the second time.

And a proviso was tendered to be added to the said bill: which was as follows, *viz.* "Provided always, and be it enacted, that if any person employed in or about his Majesty's customs, shall demand or receive from any merchant, mariner, or other person, any sum of money, but what by law is due; or shall delay any person in his dispatch, so as to put him out of his turn; or shall deny or delay to give or execute such warrant, coquet, or certificate, as he ought to do; or shall, without just cause, detain the goods or merchandize of any person, he or they shall forfeit and pay [] damages, [] and costs to the party grieved;²⁶ to be recovered by action of debt, in any of his Majesty's courts of record in this kingdom."

Resolved, upon the question, that the said bill, with the said proviso added thereunto, be committed to Sir Phil. Warwick, Mr. Comptroller, Mr. Secretary Morris, Mr. John Ashburnham, Mr. Edw. Seymour, Sir Edw. Seymour, Mr. Fane, Mr. Phillips, Sir John Duncomb, Sir John Nicholas, Mr. Nicholas, Sir Wm. Lowther, Mr. York, Sir John Goodrick, Sir Tho Strickland, Mr. Henry Coventry, Lord Bruce, Mr. Strickland, Sir Clement Fisher, Sir John Holland, Serjeant Charlton, Mr. Knight, Mr. Marvill, Mr. Sam. Trelawney, Mr. Birch, Mr. Clifford, Mr. Rigby, Sir Allen Broderick, Sir Richard Ford, Mr. Vice Chamberlain,²⁷ Mr. Cofferer,²⁸ Sir Clem. Throckmorton, Mr. Henry Seymour, Lord Fanshaw, Mr. Phillips, Sir Robert Howard, Lord Cornbury, Mr. Nicholas, Mr. Prynne, Colonel Fretchville, Sir Wm. Fleetwood, Mr. Goodrick, Mr. Fra. Finch, Mr. Tho. Coventry, Sir Clifford Clifton, Sir Rich. Franklyn, Sir Humph. Bennet, Sir Ralph Banks, Mr. Winston Churchill, Sir Tho. Meres, Sir Anth. Irby, Mr. Jonathan Trelawney, Sir Allen Apsley, Mr. Kirkby, Mr. Phillips, Sir Hen. Puckering, alias Newton, Mr. Newton, Mr. Milward, Colonel Windham, Colonel Sandys, Sir Tho. Tompkins, Lord de la Spencer, Sir Robert Holt, Dr. Birkinhead, Mr. Wren, Sir Ja. Smith, Mr. Spry, Mr. Culliford, Sir Tho. Lee, Sir Tho. Chute, Sir Chichester Wray, Sir John Shaw, Mr. Wandesford, Mr. Biscowen, Mr. John Churchill, Mr. Milward, Mr. Gilby, Mr. Mountague, Sir Gilbert Gerrard, Mr. Orme, Mr. Garraway, Sir John Robinson, Sir Wm. Thompson, Mr. Jolliff, Mr. Broome Whorwood, Sir Solomon Swale, Mr. Morton, Mr. Windham, Mr. Wm. Sandys, Mr. Westphaling, Sir Courtney Poole, Lord Angier, Sir Cha. Harbord, Mr. Harbord, Sir Tho. Smith, Mr. Smyth, Sir Tho. Leigh, Mr. John Jones, Sir Tho. Gore, Mr. Whittaker, Mr. Bulteele, Mr. Chetwind, Colonel Robinson, Sir Hen. North, Mr. Jolly, Sir Geo. Ryve, Mr. George Mountague, Sir Rich. Everard, Sir Anth. Cope, Sir Edm. Peirse, Mr. Crouch, Alderman Fowke, Sir Theo. Biddulph, Sir John Talbot, Sir Wm. Compton, Mr. Manwaring, Mr. Coriton, Sir Tho. Widdrington, Sir John Harrison, Sir Edw. Mosley, Sir John Brampston, Baron of Kinderton, Sir John

²⁶ The law as passed fixed the penalty at double costs and damages.

²⁷ Sir George Carteret, 1660-1670.

²⁸ William Ashburnham.

Marley, Mr. Attorney of the Duchy,²⁹ Sir Edw. Harlow, Sir Tho Littleton, Mr. Steward, Colonel Legg, Sir Ben. Ayloff, Mr. Higgons, Sir Wm. Batten: and all the members of this House, that come to the said committee, are to have voices thereat: and they are impowered to receive proposals for advance of his Majesty's customs; and to inquire into the number and quality of the officers belonging to the customs, and their salaries; and how they hold their places; and how they have demeaned themselves therein; and who are fit to be removed or continued; and to take into consideration such informations and complaints as shall be offered against any of them, or touching any frauds or abuses in the customs; and to consider of any proposals, how the officers may be limited and regulated, and their fees ascertained; and to bring in a table of such fees as they are to receive from the merchants; and further, to consider how the charge in collecting and receiving the customs may be lessened; and to receive any other informations or complaints that shall be made, or proposals that shall be tendered, for the advantage of the king, or ease of the people, in relation to the levying of the customs: and they are to meet, in the Exchequer Chamber, on Saturday next, at two of the clock in the afternoon: and to send for persons, papers, and records. (*C. J.*, VIII. 353-354.)

Feb. 1, HC. Upon report made by Mr. Pryn, as to the proviso, sent from the Lords, to the bill against Quakers;

Ordered, that a conference be desired with the Lords, touching the said proviso. (*Ibid.*, p. 355.)

Feb. 3, HC. Ordered, that a conference be desired with the Lords, touching the bill for preventing the mischiefs and dangers that may arise, by certain persons called Quakers, and others, refusing to take lawful oaths: and Sir Robert Howard is desired to go to the Lords, to desire the said conference. (*Ibid.*, p. 356.)

Feb. 5, HC. A bill to restrain the exportation of leather, and raw hides, out of the realm of England, was this day read the first time.

Resolved, that the same be read again, the second time, to-morrow morning.³⁰ (*Ibid.*, p. 358.)

Feb. 6, HC. Ordered, that the committee to whom the bill for preventing frauds and abuses to his Majesty, in relation to his customs, do appoint a sub-committee, to examine and consider of proposals for a table of fees, between the merchants and officers. (*Ibid.*, p. 359.)

²⁹ John Heath.

³⁰ 14 Car. II. c. 7 (*Statutes*, V. 378). Because of the high price of leather this act forbade the exportation of skins and hides into Scotland, Ireland, or any of the isles belonging to the kingdom, or to any parts beyond the seas. Skins taken from beasts or cattle in any island, excepting Ireland, were to be exported to England only, under penalty of paying double the value of such merchandise transported. Leather made into boots, shoes, or slippers was excepted from the provisions of the act. In the following session a committee, appointed to inspect this act, reported it defective in three particulars, and leave was given to bring in a bill after the recess for preventing frauds in the transportation of leather (*C. J.*, VIII. 529-530). But such a bill was not then passed. By 19 and 20 Car. II. c. 10, all sorts of leather could be exported after Mar. 25, 1668, upon payment of a duty of 12 *d.* per cwt. (*Statutes*, V. 640). This was continued as 1 Jac. II. c. 13. See pp. 410, note 2, 426, note 11, *post*.

Feb. 6, HC. Mr. Ashburnham reports from the committee to whom the bill for the constituting corporations in the cities of London and Westminster, and in several cities and counties within the kingdom of England, and dominion of Wales, and town of Berwick upon Tweed, for the better relief and employment of the poor; and for the preventing of poor, by the settling of them; and for the better execution of the laws against rogues and vagabonds; was committed; several amendments, and an addition to the said bill: which he read, with the coherence, in his place; and after, delivered in at the clerk's table.

Which said amendments being severally twice read;

Resolved, that this House doth agree to the four first amendments.

And the question being put, that this House doth agree with the committee, to the fifth amendment;

The House was divided: and

The noes went forth.

Sir John Duncombe, Mr. Clifford, tellers for the noes: with the noes, 48.

Mr. Moreton, Colonel Robinson, tellers for the yeas: with the yeas, 45.

So it passed in the negative.

Ordered, that that clause be struck out in the bill.

Which was done accordingly.

The sixth amendment being twice read;

Resolved, that this House doth agree to the said amendment.

The addition being twice read;

Resolved, that this House doth agree to the said addition: and that the same be made part of the bill.

Resolved, that the said bill, with the said amendments and addition, be ingrossed. (*Ibid.*)

Feb. 8, HC. Ordered, that the bill to restrain the exportation of leather and raw hides, out of the realm of England, be read the second time on Monday next. (*Ibid.*, p. 361.)

Feb. 13, HC. A bill to restrain the exportation of leather and raw hides, out of the realm of England, was this day read the second time.

Resolved, that the same be committed to Mr. Jones, Sir John Goodrick, Mr. Goodrick, Sir John Covett, Sir Robert Howard, Sir William Fleetwood, Mr. Bullen Reymes, Sir Lancelot Lake, Mr. Yorke, Sir Solomon Swale, Mr. Jay, Mr. Attorney of the Duchy, Sir Rich. Ford, Sir William Lewis, Mr. Vaughan, Sir Ben. Ayloffe, Mr. Wm. Sandys, Lord Ancram, Mr. Knight, Sir William Stroud, Sir John Talbot, Sir Baynham Throgmorton, Mr. Chetwind, Sir Edmond Pooley, Sir Edmond Peirse, Serjeant Charleton, Sir Wm. Lowther, Mr. Crooke, Sir Matthew Appleyard, Colonel Robinson, Sir Rich. Onslow, Sir Antho. Irby, Sir Thomas Allan, Sir Wm. Doyley, Serjeant Keeling, Mr. Rigby, Mr. Clifford, Sir John Duncomb, Mr. Walker, Mr. Newport, Sir Theop. Biddulph, Sir Henry North, Sir Phillip Musgrave, Colonel Kirkby, Sir Gilbert Gerrard, Sir Thomas Littleton, Sir John Lowe, Sir Thomas Gore, Colonel Windham, Sir Edward Harloe, Lord Angier, Mr. Pryn, Sir Wm. Tompson, Mr. Churchill, Sir James Smith, Sir Thomas Bludworth, Sir John Shaw,

Mr. Walden, Sir Clifford Clifton, Sir Solomon Swale,⁸¹ Mr. Garraway, Sir Henry Capell, Mr. Culleford, Sir Thomas Meres, Mr. Lewis, Mr. Oatley, Mr. Swinfein, Mr. Oneale, Sir Rich. Ford, Mr. Jolliff: and all the members of this House, that shall come to the said committee, are to have voices thereat: and they are to meet in the Speaker's Chamber on Saturday next, at two of the clock in the afternoon: and to send for persons, papers, and records: and to peruse the former laws relating to this matter; and to supply any defects therein; and, in particular, to provide against transporting of any leather cut out into wares, or pieces, and the packing thereof in barrels with other wares; and all other frauds and practices in conveying away and exporting of leather. (*Ibid.*, pp. 362-363.)

Feb. 15, HC. A bill for constituting corporations in the cities of London and Westminster, and in the several cities and counties within the kingdom of England, and dominion of Wales, and town of Barwick upon Tweede, for the better relief and employment of the poor, and for the preventing of poor, by the settling of them; and for the better execution of the laws against rogues and vagabonds; was this day read the third time.

And some amendments being now agreed to be made therein, were, accordingly, done at the clerk's table

Resolved, that the further debate of this bill be adjourned till Monday morning, at nine of the clock. (*Ibid.*, p. 365.)

Feb. 17, HC. The House then resumed the debate upon the bill for constituting corporations in the cities of London and Westminster, and in the several cities and counties within the kingdom of England, and dominion of Wales, and town of Barwick upon Tweede, for the better relief and employment of the poor, and for the preventing of poor, by the settling of them; and for the better execution of the laws against rogues and vagabonds⁸²

Resolved, upon the question, that the bill, with the amendments and proviso agreed to, do pass.

Resolved, that the title of the said bill shall be, An act for constituting corporations in the cities of London and Westminster, and in the several cities and counties within the kingdom of England, and dominion of Wales, and town of Barwick upon Tweed, for the better relief and employment of the poor; and for the preventing of poor, by the settling of them; and for the better execution of the laws against rogues and vagabonds.

And Mr. R. Ashburnham is to carry up the said bill to the Lords for their concurrence.⁸³ (*Ibid.*, p. 366.)

Feb. 18, HC. Ordered, that Mr. Solicitor General,⁸⁴ Sir Wm. Lowther, Serjeant Keeling, Sir Robert Atkins, Sir Anthony Irby, Sir John Dun-

⁸¹ This name and that of Sir Rich. Ford below, are repeated from above; such repetitions are common in the committee lists of this period.

⁸² The amendments and proviso here omitted have no relation to the sections providing for transportation to the plantations.

⁸³ *L. J.*, XI. 387.

⁸⁴ Heneage Finch.

combe, Sir Charles Harbord, Sir Thomas Meres, Serjeant Charleton, Sir Robert Howard, and Mr. Waller, do withdraw into the Speaker's Chamber; and prepare reasons to be insisted upon at the conference to be had with the Lords, upon the bill against Quakers.

Mr. Solicitor reports the reasons and instructions, agreed upon at the committee, to be insisted upon at the conference to be had with the Lords, upon the bill against Quakers.

Resolved, that this House doth agree to the said reasons and instructions: and Sir Robert Howard is to desire a conference with the Lords, upon the bill against Quakers.

And Sir Robert Howard made report, that the Lords condescended to a conference to-morrow, at eleven of the clock, in the Painted Chamber. (*Ibid.*, p. 367.)

Feb. 18, HL. *Hodie ia vice lecta est billa*, An act for the constituting corporations, in the cities of London and Westm. . . . and for the better execution of the law against rogues and vagabonds. (*L. J.*, XI. 387.)

Feb. 18, HL. A message was brought from the House of Commons, by Sir Rob't Howard and others:

To desire a conference, concerning the bill touching Quakers.

The answer returned was:

That this House will give a conference to-morrow at eleven of the clock, in the Painted Chamber, upon the subject matter desired. (*Ibid.*, p. 388.)

Feb. 19, HL. The Lord Chancellor reported the effect of the aforesaid conference; which was, that their Lordships making some alterations in the bill against Quakers, and sending down the same to the House of Commons; they, upon consideration thereof, do agree to some, and to others they do not; but adhere to the bill as it came from them. They adhere to the word "others" in the title of the bill, to meet with all others who refuse oaths besides the Quakers, such are some Anabaptists; and to leave out the word "others" would frustrate the end of the bill. And besides, 'tis not easy to define what a Quaker is, if so restrained; and it is not possible to enumerate all the names, by which several sects would call themselves, to evade this bill; and it were great partiality to single out the Quakers, and permit others, as dangerous, if not more.

The Commons also adhere to these words "and other names of separation", for the reason aforesaid. They also disagree to the word "such" for the same reasons. They likewise disagree to the amendment "any ten or more", because the mischief may be great when five meet; but the remedy is not so easy when ten shall meet.

They also disagree to the proviso concerning peers; because it is undecent, and unsuitable to the penalties imposed; and the like offence is provided against by the 35 of Eliz. c. 1.³⁵ yet no provision for peers.

The Commons lastly desire, that the words "for any offence" may be made, "for every third offence".

³⁵ An act to retain the queen's subjects in obedience. The proviso here in question gave to the Lords of Parliament the right to be tried, for every third offense against the act, by their peers and not otherwise.

Ordered, that this House will take the matter of this conference into consideration on Friday morning next.⁸⁶ (*Ibid.*, p. 389.)

Feb. 20, HL. Hodie 2a vice lecta est billa, An act for the constituting corporations in the cities of London and Westm. . . . and for the better execution of the law against rogues and vagabonds.

Ordered, that the consideration of this bill is committed to these Lords following: L. Privy Seal, L. Great Chamberlain, L. Chamberlain, *Comes* Derby, *Comes* Bedford, *Comes* Bridgwater, *Comes* Bollingbrooke, *Comes* Newport, *Comes* Portland, *Comes* Anglesey, Viscount de Stafford, Bp. of London, Bp. of Durham, Bp. of Ely, Bp. of Oxon., Bp. of Chichester, Bp. of St. David's, Bp. of Carlile, Bp. of Exon., *Ds.* Berkley de Berk., *Ds.* Windsor, *Ds.* Wharton, *Ds.* Grey, *Ds.* Mohun, *Ds.* Lucas, *Ds.* Lexington, *Ds.* Holles, *Ds.* Cornwallis, *Ds.* Ashley.

Their Lordships, or any five; to meet on Monday morning next, at nine of the clock, in the Prince's Lodgings. (*Ibid.*, p. 390.)

Feb. 27, HL. The Earl of Bridgwater reported from the committee, that they have made some alterations and amendments in the bill concerning Quakers, in pursuance of their Lordships directions given to the committee.

Which amendments were read twice.

And the question being put, whether to concur with the committee in these alterations and amendments now reported?

It was resolved in the affirmative.

Ordered, to have a conference with the House of Commons to-morrow morning,⁸⁷ to communicate to them these alterations and amendments. (*Ibid.*, p. 395.)

Mar. 1, HC. A message from the Lords, by Sir William Child and Sir Toby Woolrich;

Mr. Speaker, the Lords do desire a present free conference with this House, in the Painted Chamber, concerning the former conference upon the bill of Quakers.

Resolved, that this House doth agree to the said conference.

And the messengers being again called in;

Mr. Speaker acquainted them, that this House had considered of their message; and had agreed to the said free conference.

And the House then going up to attend the said free conference;

Mr. Solicitor reported from the said free conference, that the Lord Chancellor managed the said free conference; and had acquainted them, that the Lords had agreed with this House in all particulars, saving in this amendment; *viz.* that, in the first skin, twentieth line, after the word "present", they desire these words might be put in, "who maintain, that the taking of an oath, in any case whatsoever, although before a lawful magistrate, is altogether unlawful, and contrary to the Word of God".

Resolved, that this House doth agree to the said new amendment.

⁸⁶ On that day, Feb. 21, the committee to whom the bill had been referred was ordered to add the word "others", to explain the word "such", and to consider the matter of the privilege of peers; and the committee was to have the assistance of the Lord Chief Justice. *L. J.*, XI. 390-391.

⁸⁷ Postponed until the following day. *L. J.*, XI. 396, 397.

And that new amendment, and all the former amendments agreed unto, being read the third time;

Resolved, that the said bill be amended accordingly. (*C. J.*, VIII. 376.)

Mar. 4, HC. Ordered, that the committee for regulating of abuses in his Majesty's customs, be revived; and do sit *de die in diem*: and Sir Nicholas Crispe is added to the said committee. (*Ibid.*, p. 378.)

Mar. 8, HC. Ordered, that the committee, to whom the bill concerning leather is committed, be revived; and do sit this afternoon, at two of the clock, in the place formerly appointed: and Mr. Morris, Sir Richard Everard, Mr. Arthur Owen, Mr. Langherne, Mr. Bagnall, Sir Tho. Allen, Mr. Griffith, Mr. Lloyd, are added to the said committee. (*Ibid.*, p. 381.)

Mar. 13, HC. Ordered, that the report from the committee, to which the bill concerning his Majesty's customs, was committed, be heard the first business to-morrow morning. (*Ibid.*, p. 386.)

Mar. 14, HC. Mr. Clifford reports, from the committee, to which the bill for preventing frauds and abuses in, and for regulating, his Majesty's customs, was committed, several amendments and alterations to the said bill, and provisoes to be added thereto: which he read, with the coherence, in his place; and after, delivered them in at the clerk's table: and the same being twice read, and some of them, upon the question, agreed to, and several alterations being, upon the question, agreed to, and made to some other of the said amendments and provisoes; and the same, with those alterations, upon the question, being agreed to;

Resolved, that the bill, with the amendments and provisoes agreed to, be ingrossed. (*Ibid.*, p. 387.)

Mar. 19, HC. The ingrossed bill, for preventing of frauds, and regulating abuses, in his Majesty's customs, was this day read the third time. . . .

Ordered, that the further debate of this bill be adjourned till to-morrow morning. (*Ibid.*, p. 390.)

Mar. 20, HC. The House then resumed the further debate of the matter, upon the ingrossed bill, for preventing of frauds, and regulating abuses, in his Majesty's customs. . . .

Ordered, that the further debate of this bill be adjourned till to-morrow morning. (*Ibid.*, p. 391.)

Mar. 21, HC. The House then resumed the debate upon the ingrossed bill, for preventing frauds and abuses, and regulating the receipts of his Majesty's customs.

Resolved, that these words, "or connive at any false entry", be inserted into the bill.

Resolved, that these words, "open sea", be inserted into the bill.

The question being put, that the words "and forfeited" be inserted into the bill;

It passed in the negative.

Resolved, that the words "give out" be inserted into the bill.

A proviso, tendered to be added to the bill, to restrain ships of war from taking in freight, was once read.

The question being put, that the said proviso be read the second time.

It passed in the negative.

Resolved, that the said bill do pass: and that the title shall be, An act for preventing frauds, and regulating abuses in his Majesty's customs.

And Mr. Clifford is to carry up this bill to the Lords.³⁸ (*Ibid.*, pp. 391-392.)

Mar. 22, HL. Hodie 1a vice lecta est billa, An act for preventing frauds, and regulating abuses, in his Majesty's customs. (*L. J.*, XI. 414.)

Mar. 24, HL. Hodie 2a vice lecta est billa, An act for preventing frauds, and regulating abuses, in his Majesty's customs.

Ordered, that the consideration of this bill is committed to these Lords following: L. Privy Seal, Marq. Winton, L. Chamberlain, Comes Derby, Comes Bridgwater, Comes Bollingbrooke, Comes Portland, Comes Anglesey, Comes Carlile, Viscount Stafford, Abp. Yorke, Bp. Durham, Bp. Oxon., Bp. Sarum, Bp. Lyncolne, Bp. St. David's, Bp. Exon., Bp. Norwich, Bp. Hereford, Ds. Craven, Ds. Lucas, Ds. Lexington, Ds. Townsend, Ds. Ashley.

Their Lordships, or any five; to meet on Wednesday next, at three of the clock in the afternoon, in the Prince's Lodgings. (*Ibid.*, pp. 416-417.)

1662.

Apr. 3, HC. Ordered, that the committee, to which the bill touching leather was committed, be revived; and do sit this afternoon, at three of the clock, in the place formerly appointed. (*C. J.*, VIII. 396.)

Apr. 10, HC. A bill against stealing of children and servants, and carrying them beyond the seas, was this day read the second time.³⁹

Resolved, that the said bill be committed to Mr. Knight, Mr. Jones, Sir Lanc. Lake, Sir Solomon Swale, Sir Bain. Throckmorton, Sir John Robinson, Sir Tho. Stewkley, Sir Robert Howard, Mr. Pryn, Dr. Birkinhead, Alderman Fowke, Sir Cha. Harbord, Mr. Finch, Sir Anth. Irby, Sir John Marley, Sir Hen. Puckering alias Newton, Sir Tho. Allen, Sir Wm. Doyley, Sir John Newton, Sir Allen Brodrick: and all the members of this House, that come to the committee, are to have voices thereat: and they are to meet to-morrow in the afternoon, at two of the clock in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 401.)

Apr. 10, HC. Sir Richard Everard reports, from the committee to which the bill against exporting leather, and regulating abuses in tanning and dressing leather, was committed, several amendments to the said bill: which he read, with the coherence, in his place; and after, delivered the same in at the clerk's table.

And the said amendments being twice read;

Resolved, that these words, "and sheep-skins dressed without the wool", be added, after the word "calve-skins", in one of the amend-

³⁸ *Ibid.*, p. 413.

³⁹ There is no record in the *Journals* of the first reading of this bill. On July 30, 1661, it was ordered to be brought in, and on Jan. 22 was ordered to be read the following morning (*C. J.*, VIII. 316, 349). The bill did not pass at this session.

ments; and the words "sheep-skins as", in the last of the amendments, after the word "calve-skins".⁴⁰

Which was done accordingly.

Resolved, that the said bill, with the amendments so altered and agreed to, be ingrossed. (*Ibid.*)

Apr. 10, HL. Ordered, that the committee for the bill concerning the poor do meet this afternoon, at four of the clock. (*L. J.*, XI. 426.)

Apr. 11, HC. Ordered, that the committee, to which the bill against stealing of children and servants is committed, do also take into their considerations what persons (who have been taken in arms, or otherwise seized, and taken into custody, for their service and loyalty to his Majesty, or his royal father) have been transported into and enslaved in any plantations, or parts beyond the seas; and to consider of some means for their enlargement, and being brought home to their own country; and to send for, and examine such persons as have been instruments in their transporting and enslaving; and report the matter to this House. (*C. J.*, VIII. 403.)

Apr. 11, HC. Ordered, that all the members of this House, that serve for the counties of Cornwall, Devon, Kent, or any port-towns, be added to the committee to which the bill against stealing and transporting of children and servants is committed: and all the members of this House, that shall come to the said committee, are to have votes thereat. (*Ibid.*)

Apr. 15, HC. An ingrossed bill to restrain the exportation of leather and raw hides, out of the realm of England, was this day read the third time.

Resolved, upon the question, that these words, "and the contract for the sale thereof shall be void", be inserted into the bill, after the words "value thereof".

Which was done accordingly; and the words thrice read; and agreed to.

The question being put, that these words, "except Ireland", be inserted, after the word "kingdom";⁴¹

It was resolved in the affirmative.

And the words were inserted; and thrice read; and agreed to.

A proviso, to make the exportation of leather, contrary to this act, a common nuisance, was twice read.

Resolved, upon the question, that the said proviso be agreed to, and made part of the bill.

Another proviso, for carrying of hides and leather for the necessary use of shipping, was twice read.

Resolved, upon the question, that these words, "so as the number do not exceed six raw hides, and three tanned hides", be inserted at the end of the proviso.⁴²

Which being done; and the proviso read the third time;

Resolved, upon the question, that the said proviso be agreed to, and made part of the bill.

⁴⁰ The prohibition against the exportation of leather and raw hides did not apply to calfskins and dressed sheepskins.

⁴¹ See note 30, p. 296, *ante*.

⁴² This proviso allowed this number of hides to be carried for the use of ships on voyages. Section 11 of the act, *Statutes*, V. 379.

Resolved, that these words, "except Ireland", be inserted into the bill.

Resolved, that the word "wares" be omitted; and these words, "in boots, shoes, and slippers", be inserted into the bill.⁴³

Resolved, that the said bill, with the provisoes agreed to, do pass: and that the title shall be, An act to restrain the exportation of leather and raw hides, out of the realm of England.

And Sir Richard Everard is to carry up this bill to the Lords.⁴⁴ (*Ibid.*, p. 406.)

Apr. 18, HL. Hodie 1a vice lecta est billa, An act to restrain the exportation of leather, and raw hides out of this realm of England. (*L. J.*, XI. 432.)

Apr. 18, HL. The Lord Ashley reported, that the committee have considered of the bill concerning the regulating of abuses and frauds in the king's customs; and have made several alterations and amendments therein, which they offer to the consideration of the House: which, being read twice, were approved of.

Hodie 3a vice lecta est billa, An act for preventing frauds, and regulating abuses, in his Majesty's customs.

The question being put, whether this bill, with the alterations and amendments now read, shall pass?

It was resolved in the affirmative.⁴⁵ (*Ibid.*)

Apr. 19, HL. A message was sent to the House of Commons by Sir Thomas Escott and Sir [Walter] Littleton:⁴⁶

To return unto them two bills, to which their Lordships do agree with some alterations, and do desire the concurrence of the Commons therein; one, concerning preventing of frauds in his Majesty's customs (*Ibid.*, p. 433.)

Apr. 22, HC. Ordered, that the committee, to whom the bill against stealing of children and servants was committed (who, by order of the eleventh of April instant, were to consider of the enlarging and bringing home of those, that, for their loyalty, were transported into foreign plantations), do likewise consider of the case and sufferings of such as, for their service and loyalty to his Majesty, or his royal father, were transported to such foreign plantations, and are already returned, as well as those that are yet beyond the seas; and to report the matter of fact to this House; with their opinion, for their relief. (*C. J.*, VIII. 412.)

Apr. 22, HC. Ordered, that the amendments, sent from the Lords, to the bill for regulating the customs be taken into consideration the first publick business to-morrow morning.⁴⁷ (*Ibid.*)

Apr. 26, HL. Hodie 2a vice lecta est billa, An act to restrain the exportation of leather, and raw hides out of this realm of England.

⁴³ The act did not extend to the transportation of any leather made into boots, shoes, or slippers. Section 5, *ibid.*, p. 378.

⁴⁴ *L. J.*, XI. 429.

⁴⁵ Several petitions concerning the use of logwood in dyeing, the laws concerning which this act was to repeal, and the substitution of indigo, etc., from the plantations, were presented to the committee which considered this bill. These are calendared in *Hist. MSS. Comm., Seventh Rept., App.*, p. 165.

⁴⁶ *C. J.*, VIII. 410.

⁴⁷ Further postponed until Saturday, and again until Monday, Apr. 28. *Ibid.*, p. 413.

Ordered, that the consideration of this bill is committed to these Lords following: Duke of Richmond, Comes Derby, Comes Lyncolne, Comes Bridgwater, Comes Denbigh, Comes Bollingbrooke, Comes Stamford, Comes Carlile, Bp. of London, Bp. Durham, Bp. Chichester, Bp. Sarum, Bp. Worcester, Bp. St. David's, Ds. Sandys, Ds. Howard de Ch., Ds. Mohun, Ds. Byron, Ds. Lucas, Ds. Ashley.

Their Lordships, or any five; to meet on Monday morning next, at eight of the clock, in the Prince's Lodgings. (*L. J.*, XI. 438.)

Apr. 26, HL. The Earl of Bridgwater reported from the committee, the bill concerning the relief of the poor, with certain amendments and alterations; which, being read twice, were agreed to; and the bill ordered to be read the third time on Monday morning next. (*Ibid.*)

Apr. 28, HC. The House then proceeded to the reading of the amendments, sent down from the Lords, to the bill for preventing frauds, and regulating abuses, in his Majesty's customs.

And the first amendment, being twice read, was, upon the question, agreed to.

The second amendment was twice read.

The question being put (as to this amendment), to adhere to the bill, as it was sent up to the Lords;

It was resolved in the affirmative.

The rest of the amendments were twice read; and, upon the question, severally agreed to. (*C. J.*, VIII. 415.)

Apr. 28, HL. *Hodie 3a vice lecta est billa*, An act for the better relief of the poor of this kingdom.

The question being put, whether this bill, with the alterations and amendments, shall pass?

It was resolved in the affirmative. (*L. J.*, XI. 439.)

Apr. 28, HL. A message was sent to the House of Commons, by Sir William Chyld and Sir Thomas Bird:

To return them four bills, sent up from them; to which their Lordships do agree, with alterations and amendments, and do desire their concurrence therein:

1. An act for the better relief of the poor of this kingdom. . . . (*Ibid.*)

May 2, HC, HL. The House of Commons being come, with their Speaker;

The Lord Chancellor acquainted them, that the king hath sent a commission, under the great seal, for passing the royal assent unto two bills . . . the other, against Quakers.

Which commission being presented to the Lord Chancellor, and the rest of the Lords Commissioners, by the clerk of the Parliaments, upon his knee; he brought the same to his table, where it was read publicly.

Then the clerk of the crown read the titles of the several acts, as followeth:

An act for preventing the mischiefs and dangers that may arise, by certain persons called Quakers, and others, refusing to take lawful oaths. . . .

To which bills, severally and distinctly, the clerk of the Parliaments pronounced the royal assent, in these words, "*Le Roy le veult*". (*Ibid.*, pp. 442-443.)

May 3, HC. Ordered, that Sir Phillip Warwick do go up to the Lords, to desire a conference upon the amendments to the bill for regulating his Majesty's customs. (*C. J.*, VIII. 418.)

May 3, HC. Sir Phillip Warwick reports, from the Lords, that they had agreed to a present conference with this House, in the Painted Chamber.

Ordered, that Sir Phillip Warwick, Mr. Coventry, Mr. Birch, Mr. Clifford, Sir Richard Ford, and Sir Thomas Meres, do manage the conference with the Lords, upon the bill concerning his Majesty's customs.

Mr. Birch reports, from the committee which were appointed to manage the conference with the Lords, that the conference was ended. (*Ibid.*)

May 3, HL. A message was brought from the House of Commons, by Sir Phillip Warwicke and others:

To desire a conference concerning the amendments sent down in the bill concerning the customs. . . .

The answer returned was:

That this House will give a present conference, in the Painted Chamber.

The Lord Privy Seal, Earl of Bridgwater, and the Lord Ashley, are appointed to report this conference appointed to be had with the House of Commons. (*L. J.*, XI. 443.)

May 3, HL. The Lord Privy Seal reported the effect of the aforesaid conference: That whereas their Lordships made some alterations and amendments in the bill for regulating abuses and disorders in the managing his Majesty's customs, the House of Commons have considered of them, and do agree with their Lordships to all of them excepting one, which is concerning offenders against that act to be proceeded against by the justices of the peace; which amendment, they conceive, is not so advantageous for the service of the king, nor ease of the people, as the clause is as it stands in the bill; therefore they adhere to it as it came up from them.

And, after consideration hereof, the question being put, Whether to agree with the House [of Commons] herein?

It was resolved in the affirmative. (*Ibid.*, p. 444.)

May 15, HC. The amendments, sent from the Lords, to the bill concerning the poor, were read the first time. . . .

The House then proceeded to the reading of the rest of the amendments, sent from the Lords, to the bill concerning the poor. . . .

The proviso to be added was read twice.

The first clause, as to the transporting rogues, was read the third time.

Resolved, that, after the word "that", at the end of the first line, these words, "it shall and may be lawful for", be added; and after "sessions", in the third line of the proviso, these words be inserted, *viz.* "assembled, or the major part of them, to transport, or cause to be transported, such rogues, vagabonds, and sturdy beggars, as shall be duly convicted, and adjudged to be incorrigible, to any of the English plantations beyond the seas"; and to leave out the rest of the clause.

The next paragraph, as to the judges power to transport felons, etc. was read.

The question being put, to add the words "or justices of gaol-delivery", to be part of the question;

It was resolved in the affirmative.

The question being put, to agree to the proviso;

The House was divided.

The yeas went out.

Mr. Clifford, Colonel Progers, tellers for the yeas: with the yeas, 38.

Sir Edw. Mosley, Sir Tho. Meres, tellers for the noes: with the noes, 68.

So it passed in the negative. . . .

Ordered, that Mr. Pryn, Mr. Vaughan, Sir Richard Temple, Sir Tho. Meres, Sir Wm. Lewis, Serjeant Rainsford, Mr. Attorney of the Duchy, Sir Rich. Onslow, and Serjeant Maynard, do peruse the bill and amendments; and see they do cohere; and instruct themselves with reasons, against the conference. (*C. J.*, VIII. 429-431.)

May 15, HL. The Lord Mohun reported from the committee, the bill against transportation of leather, and raw hides, with certain alterations and a proviso; which, being read twice, were agreed to.

Hodie 3a vice lecta est billa, An act to restrain the transportation of leather, and raw hides out of the kingdom of England.

The question being put, whether this bill, with the amendments and proviso now read, shall pass?

It was resolved in the affirmative. (*L. J.*, XI. 461.)

May 16, HL. A message was sent to the House of Commons, by Sir William Childe and Sir Thomas Escott:⁴⁸

To deliver to them two acts, which the Lords have agreed to, with some amendments and provisos, to which their concurrence is desired:

1. The act against exporting of leather. . . . (*Ibid.*, p. 462.)

May 17, HC. Amendments, sent from the Lords, to the bill against exporting of leather and raw hides; and the proviso, in parchment to be added to the bill; were twice read; and, upon the question, severally agreed to; and then read the third time.

Resolved, that the amendments, and proviso, be ingrossed, and made part of the bill; and then the bill be returned back to the Lords. (*C. J.*, VIII. 432.)

May 17, HL. A message was brought from the House of Commons, by Mr. Fretchvill and others:

To desire a conference, concerning several bills; *videlicet*. . . .

2. Upon the amendments to the bill for the poor. (*L. J.*, XI. 465.)

May 17, HL. A message was brought from the House of Commons, by Sir Thomas Littleton baronet and others; who brought divers bills . . .

2. They agree with their Lordships in the alterations in these bills following

2. The bill against the exporting of leather, and raw hides. (*Ibid.*, p. 466.)

⁴⁸ *C. J.*, VIII. 431.

May 17, HL. Next, the Earl of Bollingbrooke reported the conference with the House of Commons concerning the bill touching the relief of the poor; and shewed wherein the House of Commons did agree with their Lordships, and wherein they did not. . . .

A message was sent to the House of Commons, by Sir William Childe and Sir Toby Woolridge:⁴⁹

To desire a present free conference, in the Painted Chamber, concerning the bill for relief of the poor.

The messengers return with this answer:

That the House of Commons will give a free conference, as is desired.

These Lords following were appointed to manage this free conference with the House of Commons: *Comes* Bollingbrook, *Comes* Anglesey, L. Wharton, L. Ashley. (*Ibid.*, p. 467.)

May 19, HC. Ordered, that Sir John Holland do desire a present free conference with the Lords, upon the bill concerning the poor.⁵⁰

Sir John Holland reports, that the Lords had agreed to a present free conference with this House, upon the bill for the poor.

Ordered, that the persons formerly appointed do manage the conferences.⁵¹

A message from the Lords, by Sir Thomas Bird and Sir Toby Woolrich;

Mr. Speaker, the Lords have agreed with this House, as to the amendments to the bill concerning the poor. (*C. J.*, VIII. 434-435.)

May 19, HL. The Lord Ashley reported the effect of this free conference, concerning the alterations in the bill for the relief of the poor

A message was sent to the House of Commons, by Sir Thomas Bird and Sir Toby Wolridge:

To let them know, that their Lordships have agreed to the amendments in the bill concerning the relief of the poor. (*L. J.*, XI. 468.)

May 19, HC, HL. This speech being ended, the clerk of the Parliaments came to the Speaker, and received from him those bills which he presented from the House of Commons to his Majesty; which were these four bills

3. An act for preventing frauds, and regulating abuses, in his Majesty's customs.

Then the clerk of the crown read the titles of these bills following

7. An act for the better relief of the poor.

28. An act to restrain the exportation of leather, and raw hides out of the realm of England.

To all these bills severally the royal assent was pronounced, by the clerk of the Parliaments, in these words, "*Le Roy le veult*".

31. An act for preventing frauds, and regulating abuses, in his Majesty's customs.

The royal assent was pronounced to these bills severally, in these words, "*Le Roy, remerciant ses bons subjects, accepte leur benevolence, et ainsi le veult*". (*Ibid.*, pp. 471, 472.)

⁴⁹ *Ibid.*, p. 434.

⁵⁰ *L. J.*, XI. 468.

⁵¹ For these names see *C. J.*, VIII. 433.

Session of February 18, 1662/3–July 27, 1663 (15 Car. II.).

1662/3.

Feb. 20, HC. A bill for transporting of felons and rogues into foreign plantations was this day read the first time.¹

Ordered, that this bill be read again, the second time, on Monday next; which time is appointed for reading another bill against rogues and vagabonds. (*C. J.*, VIII. 438.)

Feb. 26, HC. Resolved, etc. that a committee be appointed to prepare and bring in sumptuary laws, and laws to prevent incroachments in trade by the Jews and French, or any other foreigners: *viz.* Sir Tho. Gower, Mr. Pryn, Sir Cha. Harbord, Mr. Higgons, Sir Tho. Strickland, Mr. Seymour, Sir John Goodrick, Sir Wm. Hickman, Sir John Duncomb, Sir Hen. Wright, Colonel Whitley, Mr. Jones, Sir Tho. Allen, Sir Bain. Throckmorton, Sir Anth. Cope, Sir Phil. Warwick, Sir Gilbert Gerrard, Serjeant Charlton, Sir Solomon Swale, Sir Cha. Hussey, Colonel Birch, Sir Wm. Thomson, Mr. Garway, Mr. Fane, Sir Tho. Meres, Mr. Hungerford, Mr. Street, Mr. Strickland, Sir Robert Atkyns, Lord Bruce, Mr. Ashburnham, Sir Wm. Lowther, Mr. Westfaling: and all the merchants of this House are added to the committee: and they are to meet tomorrow, at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 441.)

Feb. 28, HC. A bill for suppressing rogues and vagabonds, and transporting them to foreign plantations, was this day read the second time.

Resolved, etc., that this bill be committed to Mr. Crouch, Sir Hen. Herbert, Sir Lanc. Lake, Mr. Knight, Sir John Holland, Lord Richardson, Sir Wm. Lowther, Sir Solomon Swale, Mr. Westfaling, Sir Hen. Worsley, Mr. Jones, Mr. Scawen, Mr. Gawdy, Mr. Coventry, Sir John Shaw, Mr. Wren, Colonel Whitley, Sir Robert Atkyns, Sir Tho. Allen, Sir Clifford Clifton, Mr. Clifford, Colonel Reames, Sir Tho. Gower, Mr. Attorney of the Duchy, Sir Tho. Tompkins, Sir Rich. Braham, Sir Hen. North, Mr. Garway, Colonel Kirkby, Sir Wm. Thomson, Mr. Phillips, Sir Tho. Peyton, Sir Cha. Harbord, Sir Geo. Probert, Sir Rich. Oatley, Sir John Rouse, Sir Justin' Isham, Dr. Birkinhead, Sir Roger Bradshaigh, Mr. Jolly, Colonel Windham, Sir Geo. Ryve, Mr. Thurland, Mr. Wm. Sandys: and all the members of this House, that come to the said committee, are to have voices thereat: and they are to meet on Thursday next, at two of the clock, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 443.)

Feb. 28, HC. A bill for suppressing of rogues, and ordering of persons committed to the common gaol for theft and petit-larceny, was this day read the second time.²

Resolved, etc., that this bill be committed to the same committee to which the bill for suppressing rogues and vagabonds, and transporting them to foreign plantations, was committed: and they are to peruse both bills; and to incorporate them; and to extract out of both one bill, which

¹ This bill did not pass in the House of Lords.

² Read for the first time Feb. 19. *C. J.*, VIII. 437.

may be effectual for suppressing and ordering of rogues and vagabonds. (*Ibid.*)

Mar. 10, HC. Ordered, that these persons following be added to the committee, appointed to prepare sumptuary laws, and prevent encroaching upon trade, by the Jews, French, and other foreigners; *viz.* Sir Geo. Downing, Mr. Coventry, Colonel Robinson, Sir John Shaw, Sir Edw. Moseley, Sir Courtney Poole, Mr. Low, Mr. Harbord, Mr. Waller, Mr. Vaughan, Sir Tho. Littleton, Mr. Vice-Chamberlain, Sir John Holland, Colonel Strangways, Sir Fra. Goodrick, Mr. Daniell, Mr. Scawen, Colonel Reames, Mr. Crouch, Sir Chichester Wray: and all the members of this House, that come to the committee, are to have voices: and they are also impowered to receive proposals, and consider of such expedients, as may be effectual for the regaining and advance of trade; and to prepare a bill or bills for that purpose. (*Ibid.*, pp. 447-448.)

Mar. 16, HC. Ordered, that Sir Wm. Hickman, Colonel Gilby, Sir Tho. Strickland, Colonel Robinson, Mr. Pursell, Mr. Bagnall, Sir Gilbert Gerrard, Mr. Strickland, and Mr. Talbot, be added to the committee to whom the two bills concerning rogues and vagabonds is committed. (*Ibid.*, p. 451.)

1663.

Mar. 31, HC. Ordered, that all the gentlemen that are of the long robe, be added to the committee to whom the two bills concerning rogues and vagabonds are committed. (*Ibid.*, p. 461.)

Apr. 7, HC. Sir Robert Atkyns reports, from the committee, to which it was referred to prepare and bring in sumptuary laws, to prevent encroachments in trade by the Jews, French, and other foreigners, several heads agreed by the committee; and resolved to be reported to the House, as the advice of the committee: which were as followeth; *viz.*

That a free exportation of foreign corn will be for the advantage of the trade of the kingdom.

That bills and bonds be made assignable.

That there be a liberty of exporting wheat, when the price of a quarter of wheat, after Winchester measure, is not exceeding forty-eight shillings, at the place of exportation; and so of all other corn and grain proportionably.

That when wheat does not exceed five shillings a bushel, and other corn and grain does not exceed that price proportionably, there may be a liberty of laying up corn in store, without incurring any penalty.

That when wheat does not exceed the price of six shillings a bushel, at the place where any wheat shall be imported; and so of other corn and grain proportionably, that the custom upon every bushel of wheat imported, shall be eight-pence; and so of other corn and grain imported proportionably.

That no commodities of the growth, production, or manufacture of Europe (the wines of Medera, and the western islands, and salt employed for the fishery of New-England and Newfoundland excepted), shall be carried into any English plantation in Asia, Africa, or America (Tangier excepted), but from England, and in shiping belonging to the people of

England, whereof the master, and two third parts of the mariners at least, are English.

That these two clauses be added to the last resolve; *viz.*

1. That where any person shall take in any goods for the said plantations, in any other port or place than in England, as is above expressed, the said ship, and such goods, so taken in, shall be forfeited.

2. And that there be the like penalty inflicted upon the commissioners, and other officers of the customs, that shall give any warrant, or suffer any goods of the growth of the English plantations, which are, by a certain act, for encouraging and increasing of shipping and navigation, to be brought into England or Ireland, or principality of Wales, or town of Berwick upon Tweed, until they have been unladen in some port or place of England or Wales, or town of Berwick upon Tweed. . . .

That the king's Majesty be humbly moved, from the House, to give leave, that there be a constant free exportation of geldings; and that he would be pleased to recall his proclamation that restrains their exportation.

That his Majesty be humbly desired, by the House, that no consular power be continued, or hereafter granted, to any persons, but at the desire of the merchants, and by their nomination, with his Majesty's approbation; and at such allowances and salaries only as the merchants shall consent to give them.

Which votes of advice were delivered in at the clerk's table; and read.

Resolved, etc. that it be referred to Sir Geo. Downing, Sir Robert Atkyns, Mr. Jones, Mr. Attorney of the Duchy, Mr. Pryn, Serjeant Charlton, Serjeant Keeling, Sir Tho. Littleton, Mr. Mountague, Sir Tho. Meres, Mr. Vaughan, Mr. Clifford, Sir William Tompson, Sir John Brampton, Sir Edw. Walpoole, Sir Cha. Harbord, Mr. Jolly, Mr. Wm. Sandis, or any three of them, to prepare and bring in bills upon the several heads agreed by the committee, and reported, as their advice and opinion, to the House; saving the three last heads; upon which it is advised, that his Majesty be moved, from the House. . . .

The question being put, that the king's Majesty be humbly moved, from the House, to give leave, that there be a constant free exportation of geldings; and that he would be pleased to recall this proclamation, that restrains their exportation;

The House was divided.

The noes went out.

Sir Allen Apsley, Sir John Duncomb, tellers for the noes: with the noes, 112.

Sir Geo. Downing, Mr. Clifford, tellers for the yeas: with the yeas, 116.

And so it was resolved in the affirmative.

Ordered, that the debate upon the last proviso be adjourned till tomorrow.⁸ (*Ibid.*, pp. 467-468.)

⁸ Then the proposal concerning the continuance and granting of consulships was amended and agreed to (*C. J.*, VIII. 468). The several heads here reported concerning the plantations were incorporated in the bill for the advancement of trade, which was presented on May 8. On May 16 the king, in a message to the Commons, promised to allow the free transportation of geldings, as soon as the scarcity of them should cease to exist; that he would appoint commissioners to consider the impositions to be laid on woolen manufactures; and that he would nominate consuls only for such places as were necessary, and such as should be qualified and acceptable to the merchants. *Ibid.*, p. 485.

May 6, HC. Ordered, that the committee to whom it was referred to bring in bills upon several votes, reported to the House, from the committee of trade, do, to-morrow morning, bring in a bill or bills thereupon. (*Ibid.*, p. 476.)

May 8, HC. A bill for the advancement of trade was this day read the first time.⁴

Resolved, etc., that this bill be read the second time on Monday next. (*Ibid.*, p. 478.)

May 12, HC. A bill for the advancement of trade was read the second time.

Resolved, that the said bill be committed to Sir Geo. Downing, Sir Edm. Pooley, Mr. Whorwood, Sir Tho. Meres, Mr. Seymour, Sir John Coriton, Mr. Jones, Mr. Knight, Mr. Cory, Sir John Goodrick, Sir Tho. Strickland, Mr. Clifford, Mr. Musgrave, Sir John Talbot, Mr. Hen. Coventry, Sir Robert Brooke, Mr. Strickland, Sir Lanc. Lake, Sir Sol. Swale, Mr. Coventry, Sir Rich. Onslow, Sir Cha. Harbord, Lord Richardson, Mr. Sprye, Sir Wm. Tompson, Sir John Duncombe, Mr. John Vaughan, Colonel Strangways, Sir Tho. Gower, Mr. Pryn, Sir Cha. Hussey, Mr. Harbord, Sir Edw. Moseley, Mr. Jolly, Sir Tho. Lee, Mr. Culleford, Mr. Wm. Sandis, Mr. Heath, Sir Phil. Musgrave, Mr. Wren, Colonel Edm. Windham, Colonel Edw. Phillips, Colonel Fra. Windham, Mr. Jones, Sir Phil. Warwick, Mr. Daniell, Sir Tho. Littleton, Mr. Tho. Coventry, Sir John Cotton, Mr. Geo. Mountague, Col. Gilby, Mr. Garway, Mr. Kent, Lord Newburgh, Mr. Talbot, Sir Rich. Temple, Sir Wm. Hickman, Sir Rich. Browne, Mr. Jay, Mr. Crouch, Mr. Glascock, Sir Rich. Ford, Sir John Rouse, Mr. Harvey, Colonel Birch, Mr. Waller: and all the members of this House, that shall come to the committee, are to have votes: and they are to meet in the Speaker's Chamber at two of the clock to-morrow in the afternoon: and to send for persons, papers, and records. And the committee are hereby impowered to sever the matters in the bill; and to bring in distinct bills upon such several matters of the bill as they shall find necessary; and also to consider of a clause to be inserted in this bill; or else to prepare and bring in a bill to inhibit butchers from selling of live fat cattle. (*Ibid.*, p. 480.)

May 27, HC. Sir George Downeing reports, from the committee to which the bill for advancement of trade was committed, several amendments to be made to the said bill: which he read, with the coherence, in

⁴ 15 Car. II. c. 7 (*Statutes*, V. 449). For maintaining a greater correspondence and kindness between England and the plantations, and making the latter more beneficial and advantageous, section 4 of this act, sometimes called the "Staple Act", prohibited, under the same penalties as were imposed by the Navigation Act of 1660, the importation into any plantation (Tangier excepted) of any European commodities that had not been laden and shipped in England. Under this law it was no longer possible to evade the earlier act by sending to the colonies foreign goods from the various European states, although in English vessels. Certain articles for the plantations were excepted from the operation of the act: salt for the New England and Newfoundland fisheries, wine of the Madeiras and western isles, and servants, horses, and provisions from Scotland and Ireland. Additional penalties were also added for violation of the act prohibiting the planting of tobacco in England and Ireland (12 Car. II. c. 34). For a discussion of this act see Beer, *Old Colonial System*, pt. I., vol. I., pp. 76-79; G. F. Zook, in *Historical Outlook*, XIII. 236-237; D. O. McGovney, in *Am. Hist. Rev.*, IX. 725; Channing, in *Am. Antiq. Soc., Proceedings*, 1889-1890, p. 165.

his place; and after, delivered the same in at the clerk's table: and were read the first time. . . .⁵

Resolved, etc. that the further debate upon the report of the said bill and amendments, be adjourned till Saturday next. (*Ibid.*, p. 494.)

May 30, HC. The House then proceeded to read the rest of the amendments brought in to the bill for the advance of trade.

And the amendment to the seventh line of the ninth folio was read the second time; and, on the question, agreed to.

The amendment to the fifteenth line of the seventh folio was read the second time; and was as followeth; *viz.*

Some debate arising upon this amendment;

Resolved, etc. that it be re-committed to the former committee, upon the present debates of the House, touching the manner of people, and conviction of offenders; and for making the bill temporary, as to the clause in debate concerning cattle and sheep: and the committee are also impowered to bring in a clause, for supply of foreign plantations with horses and coals:⁶ and the committee have hereby leave given them, to consider of an imposition to be laid on foreign fish, or of a prohibition against buying such fish;⁷ and to bring in a clause in this bill, if they have time; or else to prepare a new bill, as they shall find necessary, for the purpose before mentioned: and the said committee are to consider of the time of the year after which the imposition shall be laid upon sheep; and to consider of the time when this act shall begin to take place, as to the imposition both upon great cattle and sheep. (*Ibid.*, p. 495.)

May 30, HL. *Hodie 1a vice lecta est billa*, An act for transporting of persons convicted of felony within clergy, or for petty larceny, beyond the seas.⁸ (*L. J.*, XI. 529.)

June 1, HL. *Hodie 2a vice lecta est billa*, An act for transporting of persons convicted of felony within clergy, or for petty larceny, beyond the seas.

Ordered, that the consideration of this bill is committed to the same committee as the bill for settling the free-school of Witney is.⁹ (*Ibid.*, p. 531.)

⁵ Following the consideration of amendments concerning the importing of cattle, it was referred to a committee to prepare a clause to be added to the bill, in accordance with the votes of the House. This clause as it appears in the act (section 10) provides that for every head of great cattle, "except of Scotland [Ireland?]", imported after July 1 and before Dec. 20, and for every head of the breed of Scotland imported after Aug. 24 and before Dec. 20, 20 s. shall be paid to the king, 10 s. to the informer, and 10 s. to the poor (*Statutes*, V. 451). This statement is obviously conflicting; for Scotland, first mentioned, Ireland is apparently intended, since the vote of the House was to allow the importing of Irish cattle until July 1, and of cattle from Scotland until Aug. 24. See the *Journals*.

⁶ See note 4. *ante*. Coal was permitted to be shipped from any port, upon payment of 1 s. 8 d. for every chalder Newcastle measure, and 1 s. for the chalder London measure, and upon giving proper security that shipments would be landed in the plantations and not elsewhere. Section 8, *Statutes*, V. 450.

⁷ Section 13 of the act forbade the importation of herring, cod, haddock, and gullfish into England, save in English vessels. Another act, regulating the herring and other fisheries, was passed this session which contained clauses against collecting tax in Newfoundland for fish of English catching, and against the destruction of fishing property at that place; p. 315, *post*.

⁸ This bill was not reported from the committee to which it was referred.

⁹ *L. J.*, XI. 530.

June 2, HC. Sir George Downing reports from the committee to whom it was re-committed, by order of the thirtieth of May last, upon the debates of the House, touching the particulars therein mentioned, to bring in additional clauses to the bill, that the committee had met; and, according to the power and direction given them, had agreed several clauses to be added to the bill: which he read in his place; and after, delivered the same in at the clerk's table. And the said clauses and additions, being twice read, were, upon the question, severally agreed to.

A debate did arise upon the clause in the bill, touching the exporting of oats, when they were under twenty shillings per quarter.

The question being put, that the rate of twenty shillings per quarter for oats, do stand in the bill;

It passed in the negative.

The question being put, that it shall be lawful to transport oats, when they are at sixteen shillings per quarter;

The House was divided:

The yeas went out.

Sir Sol. Swale, Colonel Strangways, tellers for the yeas: with the yeas, 93.

Sir Lanc. Lake, Mr. Scudamore, tellers for the noes: with the noes, 96.

And so it passed in the negative.

The question being put, that it shall be lawful to transport oats, when they are at a mark per quarter;¹⁰

The House was divided:

The yeas went out.

Sir Sol. Swale, Colonel Strangways, tellers for the yeas: with the yeas, 117.

Sir Lanc. Lake, Colonel Reames, tellers for the noes: with the noes, 78.

And so it was resolved in the affirmative.

Resolved, etc., that the words "one mark" be inserted, instead of "twenty shillings", in the several places of the bill where it is proper.

Resolved, etc., that the bill, with the amendments agreed to, be ingrossed. (*C. J.*, VIII. 496.)

June 4, HC. Ordered, that leave be given to bring in an enacting clause, to be added to the bill for advancement of trade, for regulating the fishing-trade; and limiting a seasonable time for shipping to set forth for fishing; that the spawn of fish may be preserved, and fish taken when it is full in season; and also to provide, that a sworn packer of fish may be appointed in Yarmouth, and other fishing towns; and to set penalties for offences to be committed contrary to the act. (*Ibid.*, p. 497.)

June 13, HC. Ordered, that John Michael, of the county of Northampton in New England, be inserted into the bill of naturalization.¹¹ (*Ibid.*, p. 501.)

¹⁰ 13 s. 4 d. for 28 lbs.

¹¹ This was a bill for naturalizing Elizabeth Jacob and others, which was read the first time on June 1, committed June 12, reported and ordered engrossed July 2, agreed to by the Lords July 24, and received royal assent July 27. (*C. J.*, VIII. 495, 499, 515, 531; *L. J.*, XI. 550, 552, 565, 570, 579.) Michael's name does not again appear in con-

June 13, HC. The ingrossed bill for the encouragement of trade was this day read.

An enacting clause, brought in to be added to the bill, in pursuance of an order of the House, of the fourth of June, was twice read; and debated: but being long, and in the nature of a bill;

Ordered, that leave be given to bring in a bill to comprehend the substance of the enacting clause.

A proviso was tendered, to repeal the act for the importing of madder pure and unmixed; and once read.

Ordered, that leave be given to bring in a bill, or a clause to the bill directed for the regulating fishing, for repeal of the act for importing of madder.

Ordered, that the words "or bullion" be inserted, after the word "coin".

Which was done accordingly.

The question being put, that the bill do pass;

It was resolved in the affirmative:

And that the title shall be, An act for the encouragement of trade.

Ordered, that Sir George Downing do carry up the bill to the Lords for their concurrence.¹² (*Ibid.*, p. 502.)

June 16, HC. Ordered, that the bill for regulating and ordering the fishing trade be read this afternoon. (*Ibid.*, p. 504.)

June 16, HC. A bill for the better regulating and ordering the fishing trade was read the first time.

Ordered, that this bill be read the second time on Friday next.¹³ (*Ibid.*)

June 19, HL. *Hodie 1a vice lecta est billa*, An act for the encouragement of trade. (*L. J.*, XI. 540.)

June 20, HL. *Hodie 2a vice lecta est billa*, An act for encouraging of trade.

Ordered, that the consideration of this bill is committed to these Lords following: L. Treasurer,¹⁴ L. Privy Seal,¹⁵ L. Chamberlain,¹⁶ Comes

nection with the bill. There was no Northampton County in New England. Contemporary references to John Michael of Northampton County, Va., will be found in *Va. Mag. Hist.*, X. 249, 259; Bruce, *Institutional History of Virginia in the Seventeenth Century*, I. 405.

¹² Received by the Lords June 18. *L. J.*, XI. 539.

¹³ 15 Car. II. c. 16 (*Statutes*, V. 498). Section 3 reads: "And it is hereby further enacted by the Authoritie aforesaid That noe person or persons whatsoever doe collect leavy or take, or cause to be collected leavyed or taken in New found land any toll or other duty of, or for any Cod or Poore John, or other Fish of English catching under paine of the losse of double the value of what shall be by them leavyed collected or taken or caused to be collected leavyed or taken, And that noe Planter or other person or persons whatsoever doe cast or lay any Seine or other Net in or neare any Harbour in New found land whereby to take the Spawne or young Fry of the Poore John, or for any other use or uses except for the takeing of Baite onely upon paine of the losse of all such Seins or Nets and of the Fish taken in them or of the value thereof to be recovered in any of His Majesties Courts in New-found Land or in any Court of Record in England or Wales by Bill Plaint or other Action wherein noe Essoigne Protection or Wager in Law shall be allowed." Section 4 penalized the destroying of boats and other utensils of fishing left in Newfoundland, and the burning and pulling down of fishermen's houses and stages built by the English.

¹⁴ Thomas Wriothesley, fourth earl of Southampton, lord high treasurer 1660-1667.

¹⁵ John, Lord Robartes.

¹⁶ Montague Bertie, earl of Lindsey.

North'ton, Comes Devon., Viscount Campden, Viscount de Stafford, Bp. London, Bp. Durham, Bp. Winton, Bp. Sarum, Bp. Cov. et Lich., Bp. Bristoll, Bp. Hereford, Bp. Chester, Bp. Petriburgh, *Ds.* Berkley de B., *Ds.* Hunsdon, *Ds.* Howard de Ch., *Ds.* Gerard de Brom., *Ds.* Craven, *Ds.* Poulett, *Ds.* Mohun, *Ds.* Byron, *Ds.* Lucas, *Ds.* Lexington, *Ds.* Colepeper, *Ds.* Ashley.

Their Lordships, or any five; to meet on Monday morning next, at nine of the clock, in the Prince's Lodgings. (*Ibid.*, p. 541.)

June 23, HL. Ordered, that the committee for the bill for encouragement of trade do meet on Thursday morning next, at nine of the clock. (*Ibid.*)

June 25, HC. A bill for the regulating and ordering the fishing-trade was this day read the second time.

Resolved, etc., that the said bill be committed to the committee of trade: and that the committee be revived: and they are to meet to-morrow at two of the clock in the afternoon, in the Exchequer-Chamber: and all the members of this House that serve for the Cinque-Ports, or any port-towns, are added to the committee: and all the members of this House, that shall come, are to have votes. And it is referred to the said committee, to provide and bring in a clause for regulating and ordering the pilchard-fishing; and also an enacting clause to repeal the act for the importing of madder, to be added, and made part of the bill. (*C. J.*, VIII. 510.)

June 27, HL. Ordered, that the Duke of Albemarle is added to the committee for the bill for encouragement of trade. (*L. J.*, XI. 544.)

July 2, HC. Sir George Downing reports, from the committee to which the bill for maintaining and ordering the fishing-trade was committed, several amendments to be made to the said bill: which he read, with the coherence, in his place; and after, delivered the same in at the clerk's table: and the same, being twice read, were, upon the question, severally agreed.

Resolved, that the said bill, with the amendments agreed to, be ingrossed.

Ordered, that leave be given for bringing in a proviso, ingrossed, to be added to the said bill, to excuse fishery-beer from excise: and it is referred to Sir George Downing to take care thereof. (*C. J.*, VIII. 515.)

July 6, HC. Ordered, that Mr. Seymour . . . do put the Lords in mind of the bill for advance of trade; and desire them to expedite it.¹⁷ (*Ibid.*, p. 518.)

July 6, HL. Ordered . . . that the committee for the bill for transporting of felons do meet to-morrow in the afternoon, at three of the clock. (*L. J.*, XI. 550.)

July 8, HC. An ingrossed bill for regulating the herring and other fisheries was read.

Resolved, etc., that the said bill do pass: and that the title shall be, An act for regulating the herring and other fisheries.

And Sir George Downing is to carry up the bill to the Lords for their concurrence.¹⁸ (*C. J.*, VIII. 519.)

¹⁷ *L. J.*, XI. 551. A similar message was sent on July 13. *C. J.*, VIII. 523; *L. J.*, XI. 561.

¹⁸ Received by the Lords July 10. *Ibid.*, p. 555.

July 10, HC. A petition of the merchant-adventurers, within the city and county of Exon, being this day read, and debated; and several other complaints being made of the violation of the act for navigation, to the great grievance of the merchants, and prejudice to trade;

Resolved, that his Majesty be humbly desired to issue forth his proclamation for the punctual and effectual execution and observance of the act of navigation, without any dispensation or contrivance whatsoever, whereby the act may be in the least violated; and to recall such dispensations as are already granted (if any be); and also to issue his orders and instructions to the officers of the customs, for the strict performance of the said act.¹⁹

And Sir John Fredericke, Sir George Downing, Mr. Walker, Mr. Clifford, Mr. Jones, Colonel Strangwayes, and Sir Phillip Warwicke, or any three of them, are hereby appointed to attend his Majesty with this address. (*Ibid.*, pp. 521-522.)

July 13, HL. *Hodie 1a vice lecta est billa*, An act for regulating the herring and other fisheries. (*L. J.*, XI. 559.)

July 14, HL. *Hodie 2a vice lecta est billa*, An act for regulating the herring and other fisheries.

Ordered, that the consideration of this bill is committed to these Lords following: Comes Nottingham, Comes Dorsett, Comes Bridgwater, Comes Bristoll, Comes Petriburgh, Comes Sandwich, Viscount Say et Seale, Viscount de Stafford, Bp. London, Bp. Winton, Bp. Sarum, Bp. Hereford, Bp. Chester, Bp. Worcester, Bp. Petriburgh, Ds. Eure, Ds. Hunsdon, Ds. Tenham, Ds. Craven, Ds. Gerard de Brandon, Ds. Ashley.

Their Lordships, or any five of them; to meet to-morrow morning, at nine of the clock, in the Prince's Lodgings. (*Ibid.*, p. 560.)

July 15, HL. Ordered, that the committee for the bill for encouragement of trade do meet to-morrow morning . . . and the committee for the bill concerning felons, do meet this afternoon, at three of the clock. (*Ibid.*, p. 561.)

July 16, HL. Ordered, that the committee for the bill for encouragement of trade shall meet this afternoon, at three of the clock. (*Ibid.*, p. 562.)

July 22, HL. Ordered, that the bill for encouraging of trade be reported to-morrow morning, the first business. (*Ibid.*, p. 567.)

July 22, HL. Ordered, that the Lord Berkley of Stratton is added to the committee for the bill concerning herring fishing. (*Ibid.*, p. 568.)

July 23, HL. The Lord Berkley of Berkley reported, that the committee for the bill for encouraging of trade have considered of it, and thinks it fit to pass, only leaving out that clause which prohibits the coming in of cattle out of Scotland, which the committee leaves to their Lordships consideration.

And, after some debate, the question being put, whether to agree with the committee in the report for leaving out of the bill the clause concerning the Scotch cattle?

It was resolved in the negative.

¹⁹ This proclamation was issued Aug. 26. *Cal. St. P. Dom.*, 1663-1664, p. 256.

Next, the question being put, whether the clause for license to be given for transporting of nags and geldings out of this kingdom shall be struck out of the bill?

It was resolved in the affirmative.

Then, the question being put, whether the clause in this bill concerning the transportation of money and bullion shall remain in the bill?

It was resolved in the affirmative.

Ordered, that this bill be read to-morrow morning. (*Ibid.*, pp. 568-569.)

July 24, HL. Hodie 3a vice lecta est billa, An act for regulating the herring and other fisheries, and for repeal of the act concerning madder.

The question being put, whether this bill, with the alteration now read, shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 569.)

July 24, HL. Next, the committee for the bill concerning trade offered a proviso to be added to that bill against planting of tobacco in England; which, being read twice, was agreed to. . . .

Hodie 3a vice lecta est billa, An act for the encouragement of trade.

The question being put, whether this bill, with the amendments and provisos now read, shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 570.)

July 24, HL. A message was sent to the House of Commons, by Sir Thomas Birde and Sir Nathaniell Hobart: ²⁰

To return these bills following, with the amendments, and desire concurrence therein:

1. The bill for encouraging of trade.

2. The bill concerning herring and other fisheries. . . . (*Ibid.*)

July 24, HL. A bill, intituled, An act for the encouragement of trade, being this day read the third time, and ready to be put to the question for passing into a law; it was moved, and granted by the House, that, if the question passed in the affirmative, such peers as were against the bill might enter their protestation. And accordingly we whose names are subscribed do protest against the said bill being made a law, for the reasons following:

1. Because, in the free liberty given for transportation of money and bullion, this bill crosseth the wisdom and care of our ancestors in all ages; who, by many laws and penalties, upon excellent and approved grounds, have restrained such exportation, and thereby preserved trade in a flourishing condition.

2dly, There appearing already great want of money in his Majesty's dominions, and almost all the gold of his Majesty's stamp gone, notwithstanding the restraint laid by law, and the importation of foreign commodities (which are grown to so great an esteem and use amongst us) being much greater than the export of our native and staple commodities; it must necessarily follow, by this free exportation, that our silver will also be carried away into foreign parts, and all trade fail for want of money, which is the measure of it.

²⁰ *C. J.*, VIII. 531.

3dly, It will make all our native commodities lie upon our hands, when, rather than stay for gross goods which pay custom, the merchant in a quarter of an hour, when his wind and tide serves, freights his ship with silver.

4ly, It trencheth highly upon the king's prerogative; he being, by the law, the only exchanger of money, and his interest equal to command that as to command the militia of the kingdom, which cannot subsist without it. And it is dangerous to the peace of the kingdom, when it shall be in the power of half a dozen or half a score rich, discontented, or factious persons, to make a bank of our coin and bullion beyond the sea, for any mischief, and leave us in want of money, and it shall not be in the king's power to prevent it, the liberty being given by a law; nor to keep his mint a-going, because money will yield more from than at the mint.

5ly, Because a law of so great change, and threatening so much danger, is made perpetual, and not probationer.

6ly, Because, in the restraint laid upon importation of Irish cattle, common right and the subjects liberty is invaded; whilst they, being by law native Englishmen, are debarred the English markets, which seems also to monopolize the sale of cattle to some of his Majesty's English subjects, to the destruction of others.

7ly, It will, we conceive, increase the king's charge of Ireland, by calling for revenue from England, if that, which is almost the only trade of Ireland, shall be prohibited, as in effect it is, and so the people, we conceive, disabled to pay the king's dues, or grant subsidies in Ireland.

8ly, It threatens danger to the peace of the kingdom of Ireland, by universal poverty, which may have an unhappy influence upon the rest of his Majesty's dominions.

9ly, The restraint upon importation of Irish and Scotch cattle will, we conceive, be decay of two of his Majesty's cities of England, Carlisle and Chester, make a dearth in London, and discommode many other parts of England.

Other reasons are forborne, which time will produce. ANGLESEY. (*Ibid.*, p. 571.)

July 24, HC. The amendments to the bill for regulating the herring and other fisheries, being, to add, in the title, "and for repeal of the act concerning madder", was twice read; and, upon the question, agreed to. (*C. J.*, VIII. 531.)²¹

July 25, HC. Amendments, sent from the Lords, to the bill for encouragement of trade, were twice read; and, upon the question, severally agreed to.

Two provisoes, by way of addition to the bill, sent from the Lords, were thrice read; and, upon the question, agreed to.

Ordered, that the bill be amended, and provisoes added, accordingly.

And that Sir Thomas Littleton do carry the bill back to the Lords.²² (*Ibid.*, p. 532.)

²¹ For message of concurrence to the Lords, see *L. J.*, XI. 572.

²² *Ibid.*, p. 574.

July 25, HC. Resolved, that it be humbly recommended to the king's Majesty, to give leave for the accommodation of the foreign plantation, with such horses as their occasions shall necessarily require.

And Sir Wm. Compton, and Mr. Henry Coventry, and Mr. Wm. Coventry, are desired to attend his Majesty with this recommendation, from this House. (*Ibid.*)

July 27, HC. Sir William Compton reports, that his Majesty having been attended with the recommendation from this House, on the behalf of the foreign plantations; that his Majesty was graciously pleased to declare, that he would take care, that the plantations shall be furnished with such horses as should be fit for their occasions, upon as easy terms, as if the clause concerning the plantations had been inserted in the act for encouragement of trade.²⁸ (*Ibid.*, p. 533.)

July 27, HC, HL. After this, the clerk of the crown read the titles of these bills following; and the clerk of the Parliaments pronounced the royal assent, according to the nature of the bills

4. An act for regulating the herring and other fisheries, and for repeal of the act concerning madder.

9. An act for the encouragement of trade.

To these abovesaid bills the royal assent was pronounced in these words, "*Le Roy le veult*". (*L. J.*, XI. 578-579.)

Session of March 16, 1663/4–May 17, 1664 (16 Car. II.).

1664.

Mar. 28, HL. *Hodie 1a vice lecta est billa*, An act for transporting of persons convicted of felony within clergy (or for petit larceny) beyond the seas.¹ (*L. J.*, XI. 587.)

Mar. 29, HL. *Hodie 2a vice lecta est billa*, An act for transporting of persons convicted of felony within clergy (or for petit larceny) beyond the seas.

Committed to these Lords following: L. Privy Seal,² Comes Dorset, Comes Bridgwater, Comes North'ton, Comes Bolingbrooke, Comes Petri-burgh, Comes Newport, Comes Sandwich, Comes Anglesey, Viscount Say et Seale, Viscount de Stafford, *Epus.* London, *Epus.* Durham, *Epus.* Winton, *Epus.* Lyncolne, *Epus.* Carlile, *Epus.* Cov. et Litch., *Epus.* Hereford, *Epus.* Exon., *Ds.* Sandis, *Ds.* Wharton, *Ds.* Arundell, *Ds.* Craven, *Ds.* Mohun, *Ds.* Lucas, *Ds.* Lexington, *Ds.* Ashley.

Their Lordships, or any five; to meet on Thursday morning next, at nine of the clock, in the Prince's Lodgings. (*Ibid.*, p. 588.)

Mar. 31, HL. Ordered, that the Lord Bruce be added to the committee for the bill for transporting of felons. (*Ibid.*, p. 590.)

²⁸ Although the clause allowing the transportation of nags and geldings out of the kingdom was stricken from the bill (p. 318, *ante*), section 5 allowed horses from Scotland and Ireland to be shipped direct to the plantations (*Statutes*, V. 450). On Aug. 5 the Privy Council ordered a proclamation, giving free liberty for transportation of horses into any of the plantations, to be prepared for the king's signature and forthwith printed and published. *Acts P. C. Col.*, I. 368.

¹ This bill again failed to become a law.

² John, Lord Robartes, until 1669.

Apr. 1, HC. A bill against seditious conventicles was read the first time.³

Resolved, etc., that this bill be read the second time to-morrow morning. (*C. J.*, VIII. 541.)

Apr. 2, HC. A bill against seditious conventicles was read the second time.

Resolved, etc. that the said bill be committed to Lord Fanshaw, Sir Cha. Harbord, Mr. Clifford, Mr. Heath, Mr. Crouch, Mr. Pryn, Sir Edw. Walpoole, Sir Job Charleton, Sir Courtney Poole, Sir John Duncombe, Mr. Seymour, Mr. Treasurer,⁴ Sir Robert Atkins, Sir Phillip Warwicke, Mr. Wm. Coventry, Colonel Legg, Sir John Holland, Sir Rich. Onslow, Sir Wm. Lowther, Sir Lanc. Lake, Colonel Kirkby, Mr. Solicitor-General, Sir Edm. Peirse, Sir Rich. Ford, Sir Edw. Masters, Sir Edm. Pooley, Sir John Brampton, Mr. Palmer, Sir William Thompson, Mr. Jolly, Mr. Westphaling, Sir John Marley, Colonel Phillips, Sir Tho. Meres, Mr. Croke, Lord Allington, Dr. Burrell, Colonel Progers, Lord Richardson, Sir Anth. Irby, Mr. Vaughan, Sir John Rouse, Sir Wm. Gawdy, Sir Tho. Fanshaw, Sir John Goodrick, Sir Wm. Fleetwood, Sir Hen. North, Mr. Finch, Mr. Walgrave, Sir Cha. Berkley, Sir Tho. Allen, Sir John Knight, Sir Bayn. Throckmorton, Sir Arthur Ingram, Mr. Hen. Coventry, Colonel Whitley, Sir Wm. Pen, Sir Allan Broderick, Sir Edm. Pye, Mr. Mountague, Mr. Jay, Mr. Spencer, Sir Ralph Bancks, Mr. Ashburnham, Sir Hen. Herbert, Sir George Ryve, Sir Wm. Whitmore, Sir Phillip Musgrave, Sir John Hotham, Sir Rich. Wiseman, Sir Tho. Wendy, Sir Edw. Masters, Sir Robert Holt, Sir John Shaw, Sir Rich. Oately, Sir John Robinson, Sir John Birkenhead, Sir Matt. Appleyard, Mr. Swinfein, Mr. Morrice, Mr. Daniell, Mr. Biscawen: and all the members of this House that shall come, are to have voices: and they are to meet on Monday next, at two of the clock in the afternoon, in the House: and to send for persons, papers, and records. (*Ibid.*, p. 542.)

Apr. 2, HL. The Earl of Bridgwater reported, that the committee for the bill for transporting of felons have met, and considered of that bill; and have made some alterations, which they offer to the judgement of this House.

The said alterations were read twice.

And, after some consideration thereof, it is ordered, to be re-committed to the same committee, upon the whole matter.

And these Lords following were added to be of the said committee; *videlicet*, Comes Cleveland, Comes Chesterfeild, Comes Essex, Comes Cardigan, Comes Bath, Bp. Ely, Bp. Norwich, Ds. Paget, Ds. Chandos,

³ 16 Car. II. c. 4 (*Statutes*, V. 516). Five or more persons, 16 years old and upwards, assembling under the pretense of religion, were liable to imprisonment of three months or the payment of a fine of five pounds, for the first offense. The penalty was doubled for the second offense, and the party convicted for the third time was to pay a fine of £100 or be transported for seven years to any of the plantations, excepting Virginia and New England. The act was to remain in effect for three years. See J. D. Butler, "British Convicts Shipped to American Colonies", *Am Hist. Rev.*, II. 12 *et seq.*, especially p. 16; *Va. Mag. Hist.*, XIX. 355 n.; Bruce, *Econ. Hist. Va.*, I. 608 *et seq.*, especially pp. 616-618.

⁴ Sir Charles Berkeley.

Ds. Howard Ch., Ds. Grey, Ds. Maynard, Ds. Newport, Ds. Bellasis, Ds. Gerard Brand, Ds. Cornwallis.

Mr. Justice Keeling, Mr. Attorney General,⁵ to attend the Lords.

The said committee to meet on Monday morning next, at nine of the clock, in the Prince's Lodgings. (*L. J.*, XI. 591.)

Apr. 21, 1660. Mr. Clifford reports, from the committee appointed to consider, how the trade of the nation may be improved and advanced, that the committee had met several times; and bestowed much time and pains in examining the obstructions and encroachments upon trade; and had unanimously agreed upon a vote to be reported to the House. And, after he had opened the several proceedings of the committee, and the matters which induced them to pass the vote, he read the vote in his place; and then delivered the same in at the clerk's table.

And the vote, being again read, was as followeth:

Resolved, etc., *nemine contradicente*, that the several and respective wrongs, dishonours, and indignities, done to his Majesty by the subjects of the United Provinces, by invading of his rights in India, Africa, and elsewhere; and the damages, affronts, and injuries, done by them to our merchants; be reported to the House, as the greatest obstruction of our foreign trade: and that it is the opinion of the committee, that the said respective dishonours, indignities, and grievances, be humbly and speedily presented to his Majesty: and that he be most humbly moved to take some speedy and effectual course for the redress thereof, and all other of the like nature; and for the prevention of the like in future.

The question being put, to agree in opinion with the committee.

It was resolved in the affirmative, *nemine contradicente*.

Resolved, etc., that these words, *viz.* "and, in prosecution thereof, this House doth resolve they will, with their lives and fortunes, assist his Majesty against all opposition whatsoever", be added to the former vote.

Resolved, etc., that the wrongs, dishonours, and indignities, done to his Majesty by the subjects of the united Provinces, by invading of his rights in India, Africa, and elsewhere; and the damages, affronts, and injuries done by them to our merchants; are the greatest obstruction of our foreign trade: and that the same be humbly and speedily presented to his Majesty: and that he be most humbly moved to take some speedy and effectual course for redress thereof, and all other of the like nature; and for the prevention of the like in future: and, in prosecution thereof, they will, with their lives and fortunes, assist his Majesty against all oppositions whatsoever.⁶

⁵ Sir Geoffrey Palmer until his death, 1670.

⁶ The protective measures of the navigation acts were aimed at the Dutch, with whom England came into conflict in the fisheries, in the Baltic, East and West Indian trade, and in the slave trade with Africa. For this last-named trade, in December, 1660, the Company of Royal Adventurers of England Trading into Africa was formed, with the Duke of York at its head. This was the immediate predecessor of the Royal African Company. The Company of Royal Adventurers was soon involved with the Dutch, resulting in serious losses both of shipping and stations. War between the two countries was declared in 1665, terminating two years later with the treaty of Breda. G. F. Zook, *Company of Royal Adventurers Trading into Africa*, especially chapter III. Scott, *Joint-Stock Companies*, II. 17; Beer, *Old Colonial System*, pt. I., vol. I., 60-61, 325, 332-334.

Resolved, etc., that the concurrence of the Lords be desired to this vote: and that a conference be desired with their Lordships, in order thereunto: and that Mr. Clifford do go up to the Lords to desire the conference.

Ordered, that Mr. Clifford, Mr. Waller, Mr. Henry Coventry, Mr. Solicitor-General, Sir Edward Walpoole, Sir Thomas Meres, and Sir Winston Churchill, be appointed to manage the conference with the Lords. (*C. J.*, VIII. 548.)⁷

Apr. 22, HC. Sir Job Charleton reports, from the committee to which the bill against seditious conventicles was committed, several amendments to the said bill: which he read, with the coherence, in his place; and after, delivered the same in at the clerk's table.

Which amendments were read the first time.

The several amendments were read the second time: And all the amendments, except the amendment to the ninth line of the fourth folio, were, upon the question, agreed to.

And, upon the second reading of that amendment, these words, "or give the special matter in evidence", were, upon the question, agreed to be inserted in that amendment: and the amendment, with the addition of these words, agreed to.

Several provisoes were twice read; and, on the question, agreed to.

Resolved, etc., that the said amendments be agreed to: and that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 549.)

Apr. 22, HC. Mr. Clifford reports, that the Lords had agreed to a present conference upon the vote concerning foreign trade. (*Ibid.*)

Apr. 22, HL. A message was brought from the House of Commons, by Mr. Clifford and others:

To desire a conference, concerning some matter relating to the foreign trade.

The answer returned was:

That this House will give a present conference, in the Painted Chamber.

The Lord Treasurer, Lord Chamberlain, the Earl of Bridgwater, Earl of Anglesey, Bishop of Winton, the Lord Mohun, and the Lord Ashley, are appointed to report this conference with the House of Commons. (*L. J.*, XI. 599.)

Apr. 22, HL. The Lord Chamberlain reported the effect of the last conference with the House of Commons, which was managed by Mr. Clifford; who told their Lordships, that the House of Commons had taken into consideration the great obstruction that was in our foreign trade; and they had good cause to believe that the Hollanders were the occasion; and gave several instances of it⁸

The House of Commons, upon serious consideration of this business, have made a vote; to which they desire their Lordships concurrence.

⁷ See also *Cal. St. P. Col.*, 1661-1668, p. 197; *Cal. St. P. Dom.*, 1663-1664, p. 562.

⁸ These referred to damages to ships and goods of the East India Company to the value of £148,000; destroying factories of the same company, £87,000; capturing two ships from the Turkey Company, £110,500; loss of the *Brazil*, belonging to Portuguese merchants, £16,000; interference with the African trade by capturing forts and destroying shipping, £330,000, etc.

The said vote was read⁹

Ordered, that this House agrees with the House of Commons in this vote.

A message was sent to the House of Commons, by Baron Atkins and Justice Tyrrell:

To let them know, that the Lords have agreed with them in the vote which they delivered at the conference this day; and that the Lords intend to wait upon his Majesty in a body, and desire their concurrence in going with them in a body, to acquaint his Majesty with this their vote; and that the Lords will send to know what time his Majesty will appoint them to attend him, and will acquaint the House of Commons therewith.¹⁰ (*Ibid.*, pp. 599-600.)

Apr. 27, HC. An ingrossed bill to prevent and suppress seditious conventicles was read; and debated.

Resolved, etc., that the further debate of this bill be adjourned till to-morrow morning. (*C. J.*, VIII. 551.)

Apr. 28, HC. The House did then resume the debate upon the bill to suppress and prevent seditious conventicles.

And some amendments were, upon the question, agreed to be made thereto: and were, accordingly, inserted into the bill; and thrice read; and agreed to.

The bill being further debated;

And the question being put, that the party, convicted of the third offence, shall have liberty to abjure the realm;

It passed in the negative.

The question being put, that the clause concerning the continuance of the act shall stand as it is in the bill;

It was resolved in the affirmative.

The question being put, that the number "five" do stand as it is in the bill;

It was resolved in the affirmative.

A proviso, on the behalf of such as shall recant, and acknowledge their sorrow for their offence, was twice read:

The question being put, that the proviso be read the third time;

It passed in the negative.

Resolved, etc., that the word "force" be added in the bill, after the word [].¹¹

Which was done; and the word thrice read; and agreed to.

Resolved, etc., that the words "with force, if they see cause", be omitted in the bill.

Which was done.

A proviso was read, for saving the act of the militia; and laid aside.

The question being put, that the bill do pass;

It was resolved in the affirmative: and that the title shall be, An act to prevent and suppress seditious conventicles.

⁹ Here follows the resolution passed by the Commons the day before.

¹⁰ *C. J.*, VIII. 549. Parliament presented the vote to the king on *Apr. 27. Ibid.*, p. 551; *L. J.*, XI. 601.

¹¹ Word not given in *Journals*.

And the Lord Fanshaw is to carry up this bill . . . to the Lords for their concurrence.¹² (*Ibid.*, p. 552.)

Apr. 29, HL. The Lord Chancellor¹³ signified to this House, that he had a message from his Majesty; which was contained in writing, and read as follows:

Charles R.

His Majesty, having considered the address made to him by his two Houses of Parliament, is very well pleased with the great zeal they have expressed for the advancement of the trade of this kingdom, and removing all obstructions which may hinder the same; being thoroughly convinced it is that which will contribute most to the honour and glory of this nation, and the prosperity of his people.

His Majesty will examine and peruse the particular complaints which have been represented to his Parliament; and thereupon, according to their advice, appoint his minister at the Hague to demand speedy justice and reparation from the States Generall; as also use his utmost endeavours to secure his subjects from the like violences for the future; in the prosecution of which, or upon the denial of justice, he depends on the promise of both Houses to stand by him, and returns them his hearty thanks for their frank declaration therein.

Ordered, that this message be communicated to the House of Commons, at a conference.

A message was sent to the House of Commons, by Dr. Childe and Sir Moundeford Brampston:¹⁴

To desire a present conference, in the Painted Chamber, touching a message received from his Majesty, in answer to the vote of both Houses lately presented to his Majesty.

The messengers return with this answer:

That the House of Commons will give a present conference, as is desired.

The Lord Privy Seal was appointed to manage this conference.

The House was adjourned during pleasure, and the Lords went to the conference; which being ended, the House was resumed. (*L. J.*, XI. 603.)

May 2, HL. *Hodie 1a vice lecta est billa*, An act to prevent and suppress seditious conventicles. (*Ibid.*, p. 605.)

May 4, HL. *Hodie 2a vice lecta est billa*, An act to prevent and suppress seditious conventicles.

Ordered, that the consideration of this bill is committed to the committee of the whole House, on Friday morning next. (*Ibid.*, p. 606.)

May 6, HC. Colonel Robinson reports, from the committee to which the bill for naturalization of Dame Catharine Sayer, and others, was committed, that the committee had considered the certificates of the several persons therein named, and found the same perfect; save only that he was commanded, by the committee, to report the case of Peter de la Rouse, doctor in physick, specially, that he was in Barbadoes: but there was produced an ample certificate from the Lord Willoughby, on his behalf,

¹² *L. J.*, XI. 604, Apr. 30.

¹³ Edward Hyde, earl of Clarendon.

¹⁴ *C. J.*, VIII. 553.

of his having taken the oaths of allegiance and supremacy, and the sacrament of the Lord's Supper.

The question being put, that Peter de la Rouse be continued in the bill; It was resolved in the affirmative. . . .¹⁵ (*C. J.*, VIII. 558.)

May 6, HL. Next, the House was adjourned into a committee during pleasure, to take into consideration the bill to prevent and suppress seditious conventicles.

The House being resumed;

It is ordered, that the further debate of this bill shall be resumed on Monday morning next. (*L. J.*, XI. 609.)

May 9, HL. Next, this House was adjourned into a committee during pleasure, to debate further the bill to prevent seditious conventicles.

The House being resumed;

It is ordered, that the further consideration of this bill shall be taken up to-morrow morning, at ten of the clock precisely.¹⁶ (*Ibid.*, p. 611.)

May 11, HL. The House was adjourned into a committee of the whole House, to proceed in the consideration of the bill to prevent seditious conventicles.

The House being resumed;

The Earl of Bridgewater reported, that the committee of the whole House, upon a serious debate of the bill to prevent seditious conventicles, have made certain alterations and amendments, and have thought fit to add certain provisos to the said bill, which they offer to their Lordships consideration.

The said alterations and amendments and provisos were read twice, and agreed; and ordered, that the provisos be engrossed against to-morrow morning. (*Ibid.*, p. 613.)

May 12, HL. *Hodie 3a vice lecta est billa*, An act to prevent and suppress seditious conventicles.

The question being put, whether this bill, with the alterations, amendments, and provisos now read, shall pass?

It was resolved in the affirmative.

Ordered, that these alterations be communicated to the House of Commons, at a conference.¹⁷ (*Ibid.*, p. 614.)

May 17, HC, HL. The King sitting in his royal throne, adorned with his regal ornaments and robes, the Lords being likewise in their robes,

¹⁵ Dr. Peter de la Rouse was chief physician of Barbados, and was one of the executors and chief legatees of the will of Francis, Lord Willoughby of Parham (*Cal. St. P. Col.*, 1661-1668, pp. 196, 398, 399). This bill was read March 30, committed April 18, reported and ingrossed May 6, passed May 10; read by the Lords May 11, committed May 12, passed May 13, received royal assent May 17. *C. J.*, VIII. 539, 545, 561, 563; *L. J.*, XI. 613, 614, 615, 621.

¹⁶ Postponed until the day following. *Journals*, p. 612.

¹⁷ There were conferences between the two Houses, and debates on the reports thereof on May 12, 13, 14, 16, and 17. Because of the disagreement over this bill, the closing of the session which was set for May 14 was postponed by the king at the request of Parliament until the seventeenth. The accounts in the *Journals* of these conferences are mostly formal statements, indicating little of the matter at issue other than a proviso relating to Quakers and an amendment concerning the privileges of Lords. *C. J.*, VIII. 562, 563, 564-566; *L. J.*, XI. 614, 616, 617-620.

sitting uncovered, his Majesty commanded the Gentleman Usher of the Black Rod to let the House of Commons know, that it was his pleasure that House should presently attend his Majesty, with their Speaker.

Who being come, and after a low obeisance made, he made this following speech:

May it please Your Most Excellent Majesty,

At the opening this session, your Majesty was pleased to recommend several things to the care of your two Houses of Parliament; the which we have deliberately considered, and unanimously presented our humble advice thereupon. . . .

Whilst we were intent upon these weighty affairs, we were often interrupted by petitions, and letters, and motions, representing the unsettled condition of some countries, by reason of fanatics, sectaries, and non-conformists. They differ in their shapes and species, and accordingly are more or less dangerous: but in this they all agree; they are no friends to the established government either in church or state; and if the old rule hold true, *Qui Ecclesiae contradicit non est pacificus*,¹⁸ we have great reason to prevent their growth, and to punish their practice. To this purpose, we have prepared a bill against their frequenting of conventicles, the seed-plots and nurseries of their opinions, under pretence of religious worship. The first offence we have made punishable only with a small fine of five pounds, or three months imprisonment, and ten pounds for a peer. The second offence with ten pounds, or six months imprisonment, and twenty pounds for a peer. But for the third offence, after a trial by a jury at the general quarter sessions or assizes, and the trial of a peer by his peers, the party convicted shall be transported to some of your Majesty's foreign plantations, unless he redeem himself by laying down one hundred pounds: *Immedicabile vulnus ense rescindendum, ne pars sincera trahatur*.¹⁹

We have examined also the reasons of the decay of trade. In the first place, we found our merchants are undermined by fraud and practice, and sometimes beaten out, in the East and West Indies, in Turkey, and in Affrica, by our neighbours the Dutch, who, besides the unsufferable indignities offered to your royal Majesty, have in a few years spoiled your subjects to the value of seven or eight hundred thousand pounds; for remedy whereof, we have made our humble address to your Majesty, and received a gracious answer; and have no cause to fear but a short time will produce a just and honourable satisfaction. . . .

This speech being ended, the clerk of the crown read the titles of these acts following; *videlicet*

An act to prevent and suppress seditious conventicles.

To these public bills the clerk of the Parliaments pronounced the royal assent in these words, "*Le Roy le veult*". (*Ibid.*, pp. 620-621.)²⁰

¹⁸ He who opposes the church is quarrelsome.

¹⁹ An incurable wound must be cut out with a knife lest a healthy part be affected.

²⁰ The closing speeches of this session are also printed in Cobbett, IV. 293; Chandler, *History and Proceedings of the House of Commons from the Restoration to the Present Time* (London, 1742), I. 77. The king prorogued Parliament until Aug. 20, and then until Nov. 24.

Session of November 24, 1664–March 2, 1664/5 (16–17 Car. II.).

1664.

Nov. 24, HC, HL. After this, his Majesty delivered a narrative; which was read, as followeth:

A brief Narrative of the late Passages between His Majesty and the Dutch, and His Majesty's Preparations thereupon.

Charles R.

His Majesty doth not doubt but that his two Houses of Parliament do well remember the address they made to his Majesty about the end of April last,¹ upon the general representations which had been made to them of the great injuries and oppressions the subjects of this nation sustained in the East and West Indies, and in other places, from the Dutch, and the universal obstruction they brought upon the trade of this kingdom; and the warm and vigorous vote they then presented his Majesty with, if he could not otherwise remove that mischief. The answer they received from his Majesty was so full of candour, as if he thought his good allies the States Generall would never put him to use extreme remedies, but would meet the complaints of his subjects with just and proportionable satisfaction; and that he did really believe, as well as wish, that they would do so, is manifest, by his having provided for that season a much less guard of ships than he had set out ever since his happy restoration, intending, by the saving that unnecessary expence (as he then thought) to have plentifully supplied his magazines and stores, which is a treasure he hath always laboured to have still in readiness by him.

His Majesty took this occasion to require his minister at the Hague² to press the States Generall very earnestly for expedition in doing that justice which for above a year he had in vain pressed them to do, and in which, he told them, the oppressions his subjects underwent could not bear longer delay. Instead of returning any answer to his Majesty, which for some months they deferred to do, they with great passion and noise sent orders to their several admiralties, to prepare and equip a great number of ships of war, the number whereof they increased every ten or twelve days; with unusual orders, that no time should be lost in making the preparations, but that they should work night and day, as well the Sundays as the other part of the week; and great numbers of landmen were likewise appointed to be raised for their expedition.

This strange kind of treatment, together with many rude pamphlets and insolent expressions, which can hardly be prevented in popular governments, prevailed with his Majesty (although he yet believed himself secure in the wisdom of the States Generall against any rash attempt in the violation of the peace) to take speedy course for the putting ten or twelve ships into a readiness (which yet he meant should be no further than rigging), if they should pursue their present distempers.

In August, they received news that Captain Holmes,³ who, with one of his Majesty's ships, had convoyed some merchants of the Royal Company to the coast of Guiney, had by assault taken and possessed himself of a fort near Cape de Verte, belonging to their West Indian Company; whereupon the

¹ Apr. 22; see pp. 323–324, *ante*.

² Sir George Downing.

³ Capt. Robert Holmes, who, by his expeditions in 1660 and in 1663 to the coast of West Africa, was largely responsible for the difficulties resulting in war. For an account of his operations see Zook, *Company of Royal Adventurers Trading into Africa*, pp. 10–11, 30–31, 42–47; *Cal. St. P. Dom.*, 1664–1665, pp. 235, 243.

States Generall sent a wonderful brisk message to the king, at once complaining of the injury, and requiring, in very peremptory terms, that his Majesty would forthwith give order for the re-delivery of the said fort to them. The king assured the ambassador, upon his princely word, that he had given no commission or order to Captain Holmes for that purpose, nor did know upon what grounds he had proceeded to that act of hostility; that he expected him shortly at home; and that he would then proceed in a very strict examination of his proceedings, and would cause exemplary justice to be done, as well in the re-delivering the fort, as in punishing the person if his carriage and demeanor deserved it. This answer had no better luck than the former message: new orders for more ships, for raising of money, for raising of men, publishing in their prints, that what was done by Captain Holmes was by his Majesty's warrant and authority; and within a very short time after they had the confidence to demand of his Majesty, in express terms, that he would give it under his royal hand to them, that he would cause the fort to be delivered within such a time.

His Majesty did not yet, after all these provocations, lay aside all hope of awakening the States Generall to a more temperate consideration of what had passed. He desired them, in an answer which he made to some of their propositions, and which he transmitted to them under his own hand by their ambassador,⁴ to reflect a little upon the method of their proceeding with him, and the course he had observed towards them; not to mention those loud affronts, indignities, and injuries, he had put into oblivion in his late treaty with them, he put them in mind that, since that treaty, he had given them redress upon their complaints, in many particular cases, with that expedition, that he had not put them to the formalities even of courts of justice; that, instead of any return in this kind from them, his minister at the Hague had importuned these eighteen months for about twenty ships taken from his subjects upon the coast of Guiney, and very great affronts and damages sustained by others in the East Indies, without any other shadow of right, but being the stronger, and able to oppress. And yet, since the treaty required such formalities in the demand of reparations, how slow soever their justice was, he had thus long forborne to be his own carver. He wished them to consider, whether their order of proceeding towards them had been pursuant to the treaty, or agreeable to the respect that was due to him: that, upon the first information of an act of violence committed by the captain of one of his ships upon their subjects, disowned and disavowed by his Majesty himself, and justice and reparation being promised, they have upon the point declared war against his Majesty, in resolving to recover by force of arms what they could not expect by the course of justice. He conjured the States Generall to remember the obligations of their own sovereignty, by which they entered into alliances with their neighbour princes: that, if they suffered their particular societies of merchants to involve them in a war with their neighbour nations for their particular interest and benefit, and to support their furious and extravagant assuming a dominion against the law of nations, (putting them in mind, of what he had often demanded justice for, of the declarations published by their commanders both in the East and West Indies, interdicting all trade and commerce to all other nations, to the natives of those countries, because they call them their subjects,) they would make themselves insupportable to their neighbours, and their friendship inconsistent with the liberty of all the world but themselves.

And, upon this occasion, his Majesty thinks fit that his two Houses of Parliament should know the very compendious way these States have found out

⁴ H. van Gogh. *Zook, op. cit.*, pp. 52, 58

to make themselves monarchs of the sole trade of the whole East and West Indies. They have, it is very true, by their very commendable industry, and by other acts of horrible injustice and cruelty, planted themselves in stronger factories than any prince in Europe hath done, especially in the East Indies, where their naval power is very great. When they find the natives inclined to traffic with other nations, as they do generally desire to do, being in truth universally weary of the yoke the Dutch lay upon them, some Dutch ships are sent to lie before those ports, and then declare that they are in war with this or that prince or that city, and thereupon inhibit all other nations to have any traffic or commerce with them; and, by this new reason of state, they inhibited and restrained the English ships, under the command of the Earl of Marlborough, two years since, to go to Porcatt, and to take in a great cargason of goods provided there by the East Indyan Company here, and forced his Majesty's ships to return empty home: And being exalted with this success in the East, they have published the same declaration in the West Indies, and not only hindered the English boats and other vessels from going on shore to traffic with the natives, but have very frankly sent to some of the factories, requiring them to remove from the places they are in, because they are resolved they shall not live so near them: and, after all this, to shew how good neighbours they would be at any distance, they hired the King of Fantine, at the price of a great sum of money, arms and ammunition, to surprize his Majesty's fort at Cormantine, which he endeavoured to do, by two strong assaults; but, being driven off with loss, he confessed, with sorrow and shame for his own infidelity, being in terms of friendship with the English, that he had been corrupted by the Dutch to that undertaking: his Majesty's garrison having had the good fortune to surprize a good part of the arms, ammunition, and grenades, which the Dutch sent to the natives. When the king complained to them of this infamous and treacherous proceeding of their chief officers in those parts, of which he hath as full evidence as he can have that there are English and Dutch ships on that coast, or that he hath a fort called Cormantine, they do assure him, that his Majesty is misinformed, and desire him not to give any credit to it; for that they have received letters from their commanders there, which mention no such thing, and which informs them that the King of Fantine had taken a particular exception to the English governor; taking no notice that the king had likewise charged them, that their ships came at the same time, and lay before the fort, kept several of the English vessels and boats from landing, and took the boats, and kept the men prisoners, till they found the enterprize had miscarried.

To conclude: His Majesty used all the arguments he could, to decline these hostile preparations, and to betake themselves to those ways for the preservation of the public peace as were prescribed by the treaty; assuring them, that as he expected reparation for the damages his subjects had sustained, and security for the future against the like excesses, so he was as ready to give them all the satisfaction for any injuries done to them, which justice could require.

The answer they gave his Majesty to his expostulation for their so sudden giving direction for the provision of so many ships of war, only upon his demanding justice for injuries done, and damages sustained, ought to be made known to you. They answered, it was easy to judge how much they were troubled and surprized by the tricks and devices of those that forestalled the Parliament of England, and had obliged them by evil informations to carry such sharp complaints against them and their country to his Majesty; and therefore it was not strange that, in the unquietness and disturbance which the animosity of the Parliament did give them, they had prepared an extraordinary equipage, to be upon their guard.

When the king found that his moderate way of proceeding was so far from abating any of their preparations, that it did but render them the more confident and exalted; and the ambassador himself had told his Majesty, that they had given instructions to the admiral of their fleet, that was then going for Guiney, to take their fort near Cape de Verte by force, and to take any English which had had a hand in doing them injury; his Majesty gave speedy directions for the setting out those ships to sea, towards which he had before only made some light preparations; and declared that he would send his cousin Prince Rupert admiral of that fleet, to protect his subjects upon the coast of Guiney. This was no sooner known and published amongst them, than in truth their choler somewhat seemed abated, though their preparations were not diminished: and they then sent, that they had a wonderful desire to preserve the peace between the two nations, and to prevent the effusion of Christian blood, which would probably happen, if, in a conjuncture of so much jealousy, two such fleets as were now prepared for Guiney should meet in those seas; and thereupon proposed, that the fleets on either side might be detained within the harbours, and not suffered to put to sea; and that some expedients might be found out by treaty for each other's satisfaction, they having, at the same time when they made this plausible overture, sent orders to their fleet in the Streights, under the command of De Ruyter, to make all possible haste to Guiney, to execute all those instructions which they had given to their fleet here, which they seemed to be contented, upon those motives of charity, should remain in their ports; and it is now about two months since De Ruyter left the Streights upon that expedition, since which time they have done all within their power to make their other fleets ready to convoy each other through the Channell, and which, by the blessing of God, in the cross winds, they have been hitherto restrained from doing; and now his Majesty is very willing they should attempt it.

It is a very unpleasant circumstance to his Majesty, in these proceedings, to find that it hath been in the power of the Dutch West Indian Company to involve their own and this country in a war, without the consent or privity of the States Generall, whose alone security his Majesty hath for the preservation of the peace between the two nations. And his Majesty is well assured, that the States Generall have given no order for this expedition of De Ruyter, though their subjects in general are like to be sufferers in the war thus made by them; for it cannot be imagined but that his Majesty will take all the ways he can, that he may have wherewithal in his hands to satisfy his good subjects for the damages he expects to hear, after this denunciation of a war, they have sustained by De Ruyter on the coast of Guiney and other places; and another damage and indignity which, there is too much cause to fear, we shall shortly hear of concerning Polaroon; for, though his Majesty cannot expressly say that the delivery of it up is denied to that ship which is gone to receive it, yet, by the carriage of the governor of Batavia to that ship and the officers thereof in its passage to Polaroon, and upon the discourse of that subject, there is too great a presumption that it is not yet delivered up, and in truth that the East Indya Company in Holland never intended it should be.

The States Generall having likewise begun, without colour of right, by an embargo of ships bound for this kingdom, and driven into their ports by the foulness of the weather, as particularly a Swedish ship laden with masts and cordage bound for London, upon the account of several English merchants here.

This being the true state of what hath passed in this affair; and his Majesty having been, by these furious proceedings, and, in truth. denunciation

of a war against him, forced to put himself into the posture he is now in, for the defence of his subjects, at so vast an expence, doth not in the least degree doubt but that his two Houses of Parliament will cheerfully enable him to prosecute the war with the same vigour he hath prepared for it, by giving him supplies proportionable to the charge thereof. ⁵ C. R. (*L. J.*, XI., pp. 625-627; Cobbett, IV. 297-302.)

Session of September 18, 1666–February 8, 1666/7 (18–19 Car. II.).
1666.

Sept. 22, HC. A bill against importing of foreign cattle and fish, was read the first time.

Resolved, etc., that this bill be read the second time on Wednesday next.¹ (*C. J.*, VIII. 626.)

Sept. 26, HC. A bill against the importation of foreign cattle and fish, was read the second time.

Resolved, etc., that the said bill be committed to Mr. Pryn, Mr. Seymour, Mr. Mallet, Sir Wm. Lewis, Sir Thom. Gower, Colonel Strangwaies, Sir Edw. Masters, Sir Thom. Higgons, Sir Thom. Tompkins, Sir Gilbert Gerrard, Sir Wm. Coventry, Colonel Sandys, Sir Wm. Lowther, Sir Anthony Irby, Mr. Solicitor-General,² Mr. Coventry, Sir Thom. Allen, Sir John Holland, Sir Solom. Swale, Mr. Whorwood, Sir Jo. Morley, Sir Fran. Lawley, Sir Richard Wyn, Sir John Goodrick, Mr. Crouch, Colonel Birch, Sir Richard Temple, Sir Robert Barnham, Mr. Pepis, Mr. Sandys, Sir Thom. Littleton, Mr. Garraway, Sir John Monson, Sir Thom. Strickland, Mr. Lovelace, Sir Wm. Hickman, Mr. Morris, Sir Francis Goodrick, Sir Edw. Massey, Sir Thom. Clifford, Sir Roger Bradshaw, Colonel Whitley, Mr. Wyn, Sir John Knight, Colonel Phillips, Colonel Reames, Sir Robert Atkins, Sir Robert Carr, Mr. Waller, Sir Nico. Carew, Sir Phill. Musgrave, Sir Jo. Harrison, Sir Richard Braham, Lord Castleton, Sir Edm. Wallpoole, Lord Fanshaw, Mr. Musgrave, Sir Edm. Pooley, Mr. Ashburnham, Colonel Kirkby, Mr. John Trevor: and all the members that come are to have voices: and they are to meet on Friday next, at two of the clock in the afternoon, in the Exchequer-

⁵ The following day both Houses passed resolutions of thanks to the king for the preparations he had made against the Dutch; and the Commons agreed to a supply of £2,500,000 for maintenance of the war. (*C. J.*, VIII. 567, 568; *L. J.*, XI. 627, 628.) Zook, *op. cit.*, pp. 28-67, gives a full account of the events and negotiations leading to the declaration of war in the following February. There are, of course, numerous references to these matters in *Cal. St. P. Dom.* and *Cal. St. P. Col.*

¹ 18 and 19 Car. II. c. 2 (*Statutes*, V. 597). Declaring the importation of cattle a nuisance, this act provided that all cattle, sheep, swine, beef, pork, or bacon brought from Ireland and other parts beyond the seas, excepting cattle from the Isle of Man, into the kingdom of England after Feb. 2, 1666/7, should be seized and forfeited. A similar penalty was provided for importing fish taken by foreigners. The act was to continue for seven years. The bill was directed particularly against Irish cattle, which, being bred there for nothing and transported for little, were underselling the cattle in England. For debate on this phase of the bill, see Cobbett, IV. 337-338, 339, 344-347, taken from the *Life of the Earl of Clarendon*. By 19 and 20 Car. II. c. 12, an additional act against the importation of foreign cattle, it was provided *inter alia* that ships bringing cattle, etc., from beyond seas should be forfeited, seized, and sold, and that the seamen and all others concerned should be imprisoned for the space of three months. *Statutes*, V. 641; *C. J.*, IX. 35, 37, 55, 59; *L. J.*, XII. 198, 201, 207, 211. On the Irish phase of this matter see G. F. Zook, in *Hist. Outlook*, XIII. 237.

² Heneage Finch.

Chamber: and to send for persons, papers, and records. (*Ibid.*, pp. 627-628.)

Oct. 5, HC. Mr. Edw. Seymour reports, from the committee to which the bill against importing of foreign cattle . . . some amendments, agreed by the committee to be made to the bill: which he read, with the coherence; and after, delivered the same in at the clerk's table.

And the two first amendments being twice read; and, upon the question, agreed to;

The third amendment being read the second time; and debated;

The question being put, that the bill be re-committed, upon the present debate;

The House was divided.

The yeas went out.

Tellers, Colonel Birch, Sir Edw. Massey, for the yeas, 106; Mr. Chetwin, Mr. Weld, for the noes, 102.

And so it was resolved in the affirmative, that the bill be re-committed upon the present debate.

Ordered, that this committee do sit to-morrow at two of the clock in the afternoon. (*Ibid.*, p. 631.)

Oct. 8, HC. Mr. Seymour reports from the committee to which the bill against importation of foreign cattle and fish was re-committed, upon the debate of the third amendment, formerly made by the committee, to the bill, touching the manner of seizure, that the committee had met, and agreed a further clause to be added to the former amendment: which he read, with the coherence; and delivered the same in at the clerk's table: and the clause being twice read;

The question being put, that the words "of the same county" be added after the word "peace";

It was resolved in the affirmative.

The question being put, that the words [*sic*] "some", instead of the word[s], "the next", . . . before the word "justice";

It was resolved in the affirmative: and the clause amended accordingly. . . .

Resolved, etc., that the bill, with the amendments agreed to, be ingrossed. (*Ibid.*, p. 632.)

Oct. 8, HL. *Hodie 1a vice lecta est billa*, An act for redress of inconveniences by want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend.³ (*L. J.*, XII. 10.)

Oct. 9, HL. *Hodie 2a vice lecta est billa*, An act for redress of inconveniences by want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend.

Ordered, that the consideration of this bill is committed to the same committee as the bill concerning the Lady Elizabeth Noel;⁴ and the two chief justices are to assist their Lordships. (*Ibid.*, p. 11.)

³ 18 and 19 Car. II. c. 11 (*Statutes*, V. 614). *Cestui que vie* remaining beyond the seas for seven years, with no proof of their being alive, were to be accounted as dead in all actions brought for the recovery of estates by the reversioners.

⁴ An act for supply of jointure; see p. 9 of *Journals*.

Oct. 13, HC. An ingrossed bill against importing foreign cattle and fish was read.

The question being put, that this amendment be made to the bill; *viz.* "to the end of next session of Parliament", instead of "to the end of the first session of the next Parliament";

It passed in the negative.

The question being put, that the bill do pass;

The House was divided.

The yeas went out.

Tellers, Lord St. John, Colonel Strangwaies, for the yeas, 165; Sir Allen Broadrick, Sir Edw. Massey, for the noes, 104.

And so it was resolved in the affirmative.

Resolved, etc., that the title shall be, An act against importing cattle from Ireland, and other parts beyond the seas, and fish taken by foreigners.

And Mr. Seamour is to carry up the bill to the Lords.⁵ (*C. J.*, VIII. 635.)

Oct. 16, HL. *Hodie 1a vice lecta est billa*, An act against importing cattle from Ireland and other parts beyond the seas, and fish taken by foreigners. (*L. J.*, XII. 13.)

Oct. 17, HL. Ordered, that the bill against importing cattle from Ireland and other parts beyond the seas, and fish taken by foreigners, shall be read the second time upon Friday morning next. (*Ibid.*, p. 14.)

Oct. 19, HL. *Hodie 2a vice lecta est billa*, An act against importing cattle from Ireland and other parts beyond the seas, and fish taken by foreigners.

Ordered, that this bill be committed.

Ordered, that this bill be committed to a committee of the whole House; and to be taken into consideration on Monday morning next: and the committee hath power to receive any petitions as shall be presented concerning this bill. (*Ibid.*)

Oct. 22, HL. Next, the House was adjourned into a committee of the whole House, to consider of the bill against the importing of Irish cattle, etc.

And, after some debate, the House was resumed.⁶ (*Ibid.*, p. 15.)

Oct. 23, HL. After this, the House was adjourned into a committee, to debate and further consider of the bill against importing of Irish cattle, etc.

And after a long debate, the House was resumed.

And it is ordered, that the debate of this bill shall be resumed tomorrow morning, in a committee of the whole House. (*Ibid.*, p. 16.)

⁵ *L. J.*, XII. 12.

⁶ For a report of these long and daily debates, which contain no references to America, see Cobbett, IV. 341-342, reprinted from the *Life of the Earl of Clarendon*. "The whole debate upon the bill was so disorderly and unparliamentary, that the like had never been known: no rules or orders of the house for the course and method of debate were observed . . . In fine, there grew so great a license of words in this debate, and so many personal reflections, that every day some quarrels arose, to the great scandal and dishonour of a court that was the supreme judicatory of the kingdom."

Oct. 24, HL. Ordered, that to-morrow morning this House shall be adjourned into a committee of the whole House, to proceed in the consideration of the bill against the importing of Irish cattle, etc. (*Ibid.*, p. 27.)

Oct. 25, HL. The House was adjourned into a committee of the whole House, to further consider of the bill against the importing of Irish cattle, etc.

And, after a long debate, the House was resumed. (*Ibid.*, p. 18.)

Oct. 26, HL. Ordered, that the committee of the whole House for further debating the bill against importing of Irish cattle, etc. shall not sit beyond the hour of one of the clock this day.

The House was adjourned into a committee of the whole House, to consider further of the bill against importing Irish cattle, etc.

And, after a long debate, the House was resumed. (*Ibid.*)

Nov. 6, HL. Ordered, that the further consideration of the bill for prohibiting the importing of Irish cattle, shall be on Thursday morning next, by a committee of the whole House. (*Ibid.*, p. 23.)

Nov. 8, HL. Next, the House was adjourned into a committee of the whole House, to consider further of the bill against importing Irish cattle, etc.

And, after a long and serious debate, the House was resumed. (*Ibid.*, p. 24.)

Nov. 9, HL. The House was adjourned into a committee of the whole House, to consider further of the bill against importing of Irish cattle, etc.

And, after a serious debate, the House was resumed. (*Ibid.*)

Nov. 10, HL. Next, the House was adjourned into a committee of the whole House, to consider further of the bill against importing of Irish cattle, etc.

And, after a long debate, the House was resumed. (*Ibid.*, p. 25.)

Nov. 12, HL. The Lord Privy Seal⁷ reported, that the committee of the whole House have considered the bill against importing of Irish cattle, etc.; wherein the committee have made some alterations, which are offered to the consideration of the House.

The alterations were these:

In the 9th line, to leave out the word ["altogether"].

Read twice, and agreed to.

In the 19th line, instead of the word ["nuisance"], to put in the words ["detriment and mischief"].

After some debate hereof, the question being put, whether to concur with the committee in this alteration?

It was resolved in the affirmative.

In the 25 line, to leave out the proviso for Scotland, beginning with the word ["provided"], unto the word ["this"] in the 28th line.

Ordered, that this House will proceed in this report to-morrow. (*Ibid.*, p. 26.)

⁷ John, Lord Robartes.

Nov. 13, HL. Ordered, that on Thursday morning next this House will proceed in the report of the bill against importing of Irish cattle, etc. the first business.⁸ (*Ibid.*, p. 28.)

Nov. 17, HC. A bill for continuance of a former act, for prevention of theft and rapine upon the northern borders of England, was read the first time.⁹

Ordered, that this bill be read a second time on Wednesday next. (*C. J.*, VIII. 650.)

Nov. 22, HC. A bill to continue a former act for prevention of rapine on the northern borders was read the second time.

Resolved, etc., that the bill be committed to Sir Wm. Hickman, Mr. Pryn, Sir Thom. Tompkins, Sir Phill. Musgrave, Sir Anthony Irby, Sir Clifford Clifton, Mr. Bennett, Mr. Dalston, Sir Hen. Bellasis, Sir Wm. Lowther, Sir Lanc. Lake, Sir Wm. Morton, Lord Castleton, Sir John Coriton, Sir Thom. Allen, Mr. Collingwood, Sir John Talbott, and all the members of this House that serve for the counties of Westmorland, Cumberland, Northumberland, and Yorksheere: and they are to meet in the Speaker's Chamber, at two of the clock in the afternoon, on Saturday next: and to send for persons, papers, and records. (*Ibid.*, p. 652.)

Nov. 23, HL. *Hodie 3a vice lecta est billa*, An act against importing cattle from Ireland and other parts beyond the seas, and fish taken by foreigners.

The question being put, whether this bill, with the alterations and provisos now read, shall pass?

It was resolved in the affirmative.

Memorandum, that these Lords following, before the putting of the abovesaid question, desired leave to enter their dissents, if the question was carried in the affirmative: which was granted; and accordingly entered their dissents, by subscribing their names: BURLINGTON, ANGLESEY, CONWAY, BUTLER.

A message was sent to the House of Commons, by Sir Moundeford Brampton and Sir Nathaniell Hobart:¹⁰

To return the bill against importing of cattle from beyond the seas, etc. wherein the Lords have made some alterations, and added some provisos, and desire the concurrence of the House of Commons thereunto. (*L. J.*, XII. 34.)

⁸ Again postponed until Friday, Nov. 16, when it was agreed to leave out the proviso concerning Scotland. At the same time a proviso was offered to allow the importation of 20,000 head of cattle given by Ireland for the relief of those who had suffered by the great fire of London. This was agreed to Nov. 17, and a committee named to draw up the necessary clause. On Nov. 21, when this proviso passed, another was offered and accepted, that nothing in the bill should extend against importing horses, mares, and geldings from Ireland. *L. J.*, XII. 28, 30, 31, 32.

⁹ 18 and 19 Car. II. c. 3 (*Statutes*, V. 598). This act continued for seven years 14 Car. II. c. 22, removed benefit of clergy from thieves in Northumberland and Cumberland counties, or provided for their permanent transportation to America. By 29 and 30 Car. II. c. 2, the act was continued for seven years longer; see *Statutes*, V. 864; *C. J.*, IX. 408, 434, 439, 441; *L. J.*, XIII. 152, 156, 157, 162, 189. By 1 Jac. II. c. 14, it was further continued for 11 years (see p. 423); *Statutes*, VI. 15; *C. J.*, IX. 723, 724, 731, 738, 744; *L. J.*, XIV. 52, 57, 65.

¹⁰ *C. J.*, VIII. 653.

Nov. 27, HC. The amendments, sent from the Lords, to the bill against importing cattle from Ireland, and other parts beyond the seas, and fish taken by foreigners, were read. . . .¹¹ (C. J., VIII. 654.)

Dec. 11, HC. Sir Francis Goodrick reports, from the committee to which the bill for continuing a former act for prevention of theft and rapine on the northern borders was committed, some amendments, agreed by the committee: which he read; and after delivered the same in at the clerk's table. And the amendments were twice read; and, upon the question, agreed.

Resolved, etc., that the bill, with amendments agreed to, be ingrossed. (*Ibid.*, p. 660.)

Dec. 21, HC. An ingrossed bill, to continue a former act for preventing theft and rapine on the northern borders of England, was read.

Resolved, etc., that the bill do pass: and that the title shall be, An act for preventing theft and rapine on the northern borders of England.

And the Lord Morpeth is to carry up the bill to the Lords.¹² (*Ibid.*, p. 667.)

1666/7.

Jan. 3, HL. *Hodie 1a vice lecta est billa*, An act to continue a former act for preventing of theft and rapine upon the northern borders of England. (L. J., XII. 60.)

Jan. 4, HL. *Hodie 2a vice lecta est billa*, An act to continue a former act for preventing of theft and rapine upon the northern borders of England.

Ordered, that the consideration of this bill is committed to the same committee as Dame Mary Frazer's bill is.¹³ And the Earl of Carlile, the Bishop of Carlile, and the Lord Grey of Warke, are added to the said committee. (*Ibid.*, p. 66.)

Jan. 12, HL. The Earl of Dorsett reported, that the committee have considered of the bill to prevent theft and rapine upon the northern borders of England; and they think it fit to pass as it is, without any amendment.

Hodie 3a vice lecta est billa, An act to continue a former act for preventing of theft and rapine upon the northern borders of England.

The question being put, whether this bill shall pass?

It was resolved in the affirmative.

¹¹ The amendment for leaving out the proviso for Scotland was accepted; the amendment to declare the importation of cattle from Ireland as a "detriment and mischief", instead of a "nuisance", was rejected; and the proviso for importing 20,000 head of cattle for the fire sufferers was amended and referred to a committee. On Dec. 5 both the original and the amended proviso were disagreed to. Many conferences with the Lords on the bill were held, in which the only difference between the two Houses was over the word "nuisance", which expression looked to the Lords like a restraint on the king's prerogative, but the Commons always maintained their adherence "to their own bill without departing from a word of it, except with reference to Scotland". At length, on Jan. 14, against the protestation of many of the Lords, the bill was consented to. C. J., VIII. 658, 661, 662, 669, 671, 672, 673, 675; L. J., XII. 46, 48-50, 53, 54, 57-58, 59, 70, 71-72, 74, 75.

¹² *Ibid.*, XII. 54.

¹³ A naturalization bill; the names of the committee are given on this same page of the *Journals*.

A message was sent to the House of Commons, by Sir Thomas Escourt and Sir Nathaniell Hobart; which consisted of these particulars:

1. To let them know, that the Lords have passed the bill for preventing theft and rapine upon the northern borders, without any alteration. . . . (*Ibid.*, p. 71.)

Jan. 18, HC, HL. And the clerk of the crown read the titles of these bills following, to which the clerk of the Parliaments pronounced the royal assent to the several bills, according to the nature of them

3. An act prohibiting the importation of cattle from Ireland and other parts beyond the seas, and fish taken by foreigners.

4. An act to continue a former act, for preventing of theft and rapine upon the northern borders of England. . . .

"*Le Roy le veult.*" (*Ibid.*, p. 81.)

Jan. 24, HL. The Lord Newport reported, that the committee have considered the bill for redress of inconveniencies by want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend; and the committee have made some alterations and amendments therein, which were offered to their Lordships consideration.

And the amendments and alterations being read twice, were agreed to; and the bill ordered to be engrossed, with those amendments and alterations. (*Ibid.*, p. 88.)

Jan. 25, HL. *Hodie 3a vice lecta est billa*, An act for redress of inconveniencies by want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend.

The question being put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir Nathaniell Hobart and Sir William Glascock;¹⁴ which consisted of these particulars

2. To deliver these bills passed this House, and desire concurrence therein

2. The bill for redress of inconveniencies by want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend. . . . (*Ibid.*, p. 90.)

Feb. 5, HC. A bill, sent from the Lords, for redress of inconveniences by want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, was read the first time.

Resolved, etc., that the bill be read a second time to-morrow morning. (*C. J.*, VIII. 689.)

Feb. 6, HC. An ingrossed bill, from the Lords, to prevent inconveniences by want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, was read the second time.

Resolved, etc., that the bill be committed to Serjeant Charlton, Colonel Windham, Sir Lan. Lake, Lord Allington, Sir Thomas Higgons, Sir

¹⁴ *C. J.*, VIII. 683.

Solom. Swale, Sir Hen. Caesar, Sir Thomas Allen, Mr. Dalmahoy, Mr. Malett,¹⁵ Sir Thom. Meres, Colonel Sandys, Sir John Moreton, Lord Fitzharding, Mr. Buscawen, Sir John Talbott, Mr. Morice, Sir Robert Howard, Mr. Seymour,¹⁶ Sir Roger Bradshaigh, Mr. Pryn, Mr. Rigby, Sir John Birkenhead, Sir Jonathan Trelawney, Sir Thom. Lee, Doctor Burrell, Mr. Ford, Sir Wm. Godolphin, Mr. Comptroller,¹⁷ Mr. Rolls, Mr. Pepis, Mr. Brunchard, Mr. Mallett,¹⁸ Mr. Hobby, Sir Edm. Bowyer, Mr. Crouch, Lord Seymour:¹⁹ and all the members of this House that shall come are to have voices: and they are to meet this afternoon at three of the clock, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 690.)

Feb. 7, HC. Amendments and provisoes made to the bill, sent from the Lords, to prevent inconveniences by want of proof of the deceases of persons beyond the seas, or absenting themselves, upon whose lives estates do depend, were twice read; and, with some amendments made at the table, upon the question, severally agreed to.

Ordered, that the provisoes be ingrossed; and the bill with the amendments and provisoes, read a third time. (*Ibid.*, p. 691.)

Feb. 7, HC. The question being put, that the bill for the redress of inconveniences by want of proof of the deceases of persons beyond the seas . . . with the amendments, be now read;

The House was divided.

The yeas went forth.

Tellers, Sir Jonathan Trelawney, Mr. Malett, for the yeas, 26.

Sir Thomas Lee, Sir Robert Holt, for the noes, 26.

The Speaker²⁰ declared for the yeas.

The bill, with the amendments, was read the third time.

Resolved, etc., that the debate of the bill and amendments be adjourned till to-morrow morning; and taken up the first business. (*Ibid.*)

Feb. 8, HC. A proviso, to be added to the bill, sent from the Lords, to prevent inconveniences by want of proof of the deceases of persons beyond the seas . . . was twice read; and, upon the question, agreed; and read a third time . . .

Resolved, etc., that the bill, with the provisoes agreed to, do pass: and that the title be agreed to.²¹

And Sir Jonathan Trelawny is to carry up the bill to the Lords. (*Ibid.*, p. 692.)

¹⁵ There were two members of this name, both representing boroughs in Somerset: John, sitting for Minehead, and Michael for Milborne Port.

¹⁶ There sat in the House at this time Charles, Edward the younger (afterwards speaker), and Henry Seymour.

¹⁷ Sir Thomas Clifford, comptroller of the household since Nov. 8, 1666.

¹⁸ See note 15, *ante*.

¹⁹ Lord John Seymour.

²⁰ Sir Edward Turner.

²¹ One of these provisos excepted the Duke of York as to lands of attainted persons granted to him; by the terms of the other, the title was revested if proof were later given that the life tenant was still alive. The Lords agreed to both these provisos (*L. J.*, XII. 108). Royal assent was given to the bill this same day, when Parliament was prorogued until Oct. 10. *Ibid.*, pp. 110-111.

Session of October 10, 1667–March 1, 1668/9 (19–20 Car. II.).

1667.

Nov. 6, HC. Sir Thomas Littleton reports from the committee appointed to draw up the heads of the accusations against the Earl of Clarendon, several particulars brought in by several members, amounting, in the whole, to seventeen . . . ¹

9. That he introduced an arbitrary government in his Majesty's plantations; and hath caused such as complained thereof before his Majesty and Council, to be long imprisoned for so doing.

10. That he did reject and frustrate a proposal and undertaking, approved by his Majesty, for the preservation of Nevis and St. Christopher's, and reducing the French plantations to his Majesty's obedience, after the commissions were drawn up for that purpose; which was the occasion of our great losses and damages in those parts. . . . (*C. J.*, IX. 15-16.)

Nov. 6, HC. About introducing an arbitrary governm't in the plantations.

Sir Tho. Littleton, Sir Tho. Osborne: One Farmer ² and others came from the Barbadoes to complain of it, and lodgd their petition in this house, but were imprison'd that they might not be heard.

About frustrating proposals for preserving Mevis, etc.

Sir Charles Wheeler: My Lord Chancellor only oppos'd it. (MSS. of the Duke of Bedford, vol. 200, p. 24.) ³

Nov. 7, HC. Articles against the Earl of Clarendon.

10. The tenth article: That he had introduced an arbitrary government in the forraigne plantations and that he imprisoned many that came hither to complaine of it.

¹ In addition to the two charges here given, Clarendon, who in the preceding August had been dismissed from the office of chancellor, was accused of advising the king to dissolve Parliament and to govern by a standing army; of reporting that the king was "a papist at heart"; of falsely imprisoning English subjects in remote islands and garrisons; of corruption and bribery; of advising and effecting the sale of Dunkirk to France; of altering letters under the great seal; of raising questions to land-titles; of betraying the nation in foreign treaties; and of being the author of the fatal counsel of dividing the fleet, June, 1666. The Commons, after considering the charges against him, accused him Nov. 12 of high treason before the Lords. After long debate the Lords agreed not to commit him. Frequent conferences between the two Houses were held, but in the meantime, acting on the king's advice, Clarendon fled to the Continent. Before withdrawing he addressed the Lords in a petition which on Dec. 9 was voted to be scandalous by both Houses and was ordered to be burned by the hangman. An act for banishing and disabling Clarendon was passed during the session. He died at Rouen in December, 1674. *C. J.*, IX. 17-32 *passim*; *L. J.*, XII. 135-171 *passim*; *Life of Edward Earl of Clarendon*, written by himself (1827 ed.), III. 300 to end; Sir Henry Craik, *The Life of Edward Earl of Clarendon, Lord High Chancellor of England* (London, 1911), II. 284 *et seq.* Clarendon's vindication of himself and his answers to the several charges against him, written while in exile, will be found in his *Life*, III. 377 *et seq.*; for his replies to the articles here printed, see *ibid.*, pp. 407-426.

² Samuel Farmer, in 1665, was sent from Barbados by Governor Willoughby, charged with mutiny, seditions, and treason. The King and Council, after hearing the charges, committed him. Clarendon was of the opinion that he should be returned to Barbados that he might be tried by the law of the island. Clarendon, *Life*, III. 422-424; *Acts P. C. Col.*, I. 404-405, 409, 422; *Cal. St. P. Col.*, 1661-1668, numerous references in index.

³ See note 3, p. 74, *ante*.

This was affirmed by Sir Tho: Littleton and Sir Tho: Osbourn and that one Farmer was imprisoned by him.

11. The eleventh article, that he did obstruct the securing Barbadoes, Mevis, and other plantations: Sir Charles Wheeler affirms this. (Add. MSS. 33413, f. 39.)⁴

[Nov. 7], HC. After reading these heads of accusations,⁵ it was moved, than in regard the articles were many, they might be referr'd to a committee to see how far they were true, because fame was too slender a ground to bring a man upon the stage. But this was carry'd in the negative; and so they proceeded to the reading the articles singly and separately, and to speak to the truth or probability of them. . . .

Then, about introducing an arbitrary government in the plantations, Sir Thomas Littleton and Sir Thomas Osborn alledg'd, that one Farmer and others came from Barbadoes to complain of it, and lodg'd their petition in that House, but were imprison'd, that they might not be heard: and, for frustrating proposals for preserving Nevis, etc., Sir Charles Wheeler said, my Lord Chancellor only opposed it (*The History and Proceedings of the House of Commons from the Restoration to the Present Time*, I. 107–108.)⁶

Nov. 11,⁷ HC. The House resumed the consideration of the rest of the heads of accusation against the Earl of Clarendon, and the several heads being read, to the 16th head, a debate ensued. . . .

Sir Thomas Littleton: The persons that complained against Lord Willoughby the last session, are ready to justify, that my Lord Chancellor supported Lord Willoughby in what he did.

Sir Thomas Osborne: My Lord Chancellor caused the person that complained to be secured, and never heard at the council.

Sir Charles Wheeler: The war, fire, and plague, not so great a loss as Nevis and St. Christopher's. Nevis worth 20,000 l. per ann. to the king, and he receives not a shilling of it.

⁴ "Parliament Observations of the daily proceedings': a diary of proceedings in the House of Commons, kept by John Milward or Millward, M. P. for co. Derby, from 17 Sept. 1666, when he took his seat, until 8 May 1668. Written in more hands than one, and probably copied from rough notes. Paper: folio: 17th century." *Cat. Add. MSS.*, 1888–1893, p. 17.

⁵ Against Clarendon.

⁶ Published 1742–1744 in 14 volumes by Richard Chandler, and ending with the second session of the third Parliament of George III., Apr. 21, 1743. See preface, p. vii, *ante*. No indication is given of the sources of the materials used in this work. Cobbett (vol. IV., advertisement) states that he received very little assistance from Chandler or Timberland: "on comparing their contents with those of the authentic works before enumerated [old *Parl. Hist.*, Clarendon's *Life*, Grey's *Debates*, etc.], they were found to be so extremely defective and incorrect, that they could, in hardly any case, be relied upon with safety." Yet Cobbett (IV. 382, 383), reporting the above debate on Clarendon, gives the Chandler version of Littleton's and Osborne's remarks, substituting for those of Wheeler on Nevis the observations of the latter as given in Grey under date of Nov. 11. See *post*.

⁷ The same speakers and similarity in the substance of the remarks made will be noted in this debate and that above, reported by Milward and Cobbett under Nov. 7 and entered by Chandler between Nov. 6 and 9. The incompleted entry in the *Journals* of the seventh states that the House "resumed the further consideration of the heads of the accusation delivered in against the Earl of Clarendon" (*C. J.*, IX. 17). On Nov. 10 there was debate upon the first head, and on the following day the remaining articles were considered (*ibid.*, p. 18).

Sir John Knight: The king sent directions for fortifications at Nevis, which Lord Willoughby neglected. . . . (Anchitell Grey, *Debates of the House of Commons, from the Year 1667 to the Year 1694*, I. 32, 33.)⁸

Nov. 15, HC. A petition of Sir Paule Painter knight, Ferdinando Georges gentleman, and others, on behalf of themselves and others; concerning his Majesty's plantations in America; and the paper of certain heads and particulars relating thereto, and annexed to the petition; was read.

Resolved, etc., that the said petition, and paper annexed, be committed to the committee of the whole House appointed to take into consideration the general balance of trade; and that the clerk of this House do deliver copies thereof, to such persons as shall desire the same, on the behalf of the Royal Company, or other persons concerned; who are to deliver in their answer thereto, in writing, by this day sevensnight: and that the Royal Company do then cause their charter to be brought in. (*C. J.*, IX. 21.)

[*Nov. 15*], HC. To the Right Honourable the Knights, Citizens, and Burgesses Assembled in Parliament.

The humble petition of Sir Paul Painter knight, Ferdinando Gorges, Henry Batson, gentlemen, and Benjamin Skutt and Thomas Knights merchants, in behalf of themselves and others concerned in his Majesties plantations in America,⁹

Humbly sheweth, that his Majesties plantations (having been the most considerable trade of this nation) were at first raised, and have been brought to the perfection that they now are at, and now do, and did alwaies most principally subsist by the labour of negro servants, and a plentiful supply of them.

That formerly there hath alwaies been a freedom of trade for all his Majesties subjects for negroes on the whole coast of Guiney, by reason whereof the said plantations have been plentifully supplied with negroes of the best sort, and at an indifferent rate, to the great encrease of the said plantations, and the advantage and profit of this crown and nation.

That there is of late a new erected Company of Adventurers Trading into Africa,¹⁰ who claiming to themselves the sole and only trade for negroes on the coast of Guiney, have totally obstructed the former free trade of all adventurers thither; and having contracted with forreiners for the supply of the Spanish plantations with negroes, do leave the English plantations in America, which produce the same commodities with the Spanish, either ill supplied, and at excessive prices, or not at all supplied; by reason whereof, and of the obstruction of the freedom of trade for negroes as aforesaid, all his Majesties plantations in America

⁸ Published 1763 in 10 volumes. See preface, pp. viii-ix, *ante*. Gray represented Derby 1665-1685 and, according to his preface, his collection is made up for the most part of notes taken by himself.

⁹ The petitioners were identified with Barbados, Gorges having been a councillor (*Cal. St. P. Col.*, 1661-1668, pp. 40, 185, 594, 595). Willoughby characterizes Painter as "formerly a worthy cobler", *Ibid.*, p. 594.

¹⁰ See note 6, *ante*, p. 322.

are at present much decayed, and unless a timely remedy be provided, will speedily be brought to inevitable destruction.

Your petitioners do therefore most humbly pray your honours, upon consideration of the premises, and of the paper hereunto annexed, to provide such remedy therein as your grave wisdoms shall seem fittest.

And your petitioners, as in duty bound, shall ever pray, etc. PAUL PAINTER, FERDINANDO GORGES, HENRY BATSON, BENJAMIN SKUTT, THOMAS KNIGHTS. (*An Answer of the Company of Royal Adventurers of England Trading into Africa, to the Petition and Paper exhibited to the Honourable House of Commons by Sir Paul Painter, Ferdinando Gorges, Henry Batson, Benjamin Skutt, and Thomas Knights*, 1667, pp. 1-2.)¹¹

Paper of certain Heads and Particulars annexed, and relating to the petition:

The great and high advantages which have formerly accrued unto his Majesty and his subjects, by his Majesties colonies in America, may much appear in these particulars.

1. The said colonies have yearly employed above four hundred sayle of ships, most of them considerable both of burthen and force, to the great encouragement of navigation, and increase of sea-men, which have been ever reputed as the mayne bulwark and defence of this nation.

2. The said ships for the most part were fraughted out with manufactures of England, (viz.) shooes, stockings, serges, broad-cloaths, carseys, hatts, all sorts of wrought iron; with great store of provisions, as beef, butter, flower, pease, etc., which gave employment and bread to many thousands of families here, and put a value upon the commodities of our own growth and manufacture; which otherwise would have soon abated in their price, and been of little worth.

3. The said ships in return of the said goods and manufactures came laden home with sugars, cotton, ginger, indigo, tobacco, etc., all which were produced by the industry of the laborious planter, with the help and former constant supply of negroes brought to them from the coast of Guiney, etc., without which the said colonies must inevitably be reduced to ruine and destruction.

4. The manufactory of this nation exported, as also the sugars, etc., imported, brought in a great revenue unto his Majesties customes; which was

¹¹ "A petition concerning his Majesty's Plantations in America was read. Upon this business, Mr. Garroway in private discourse, occasionally said, The Spanish Plantations drain the kingdom of Spain low of people. In Mexico, and the Plantations, there are more Spaniards than in Spain; though in Mexico there are many sorts of Spaniards, besides Natives, viz. Those of Spanish families born in the Indies, and who, for many generations, have inhabited there; others of half Indians and half Spaniards. There are, from credible persons, said to be above fifteen thousand coaches in Mexico.

"In Virginia there are not twenty thousand blacks. The English at their first arrival lose a third part at least. Those who have lived long in those Plantations are superannuated people, and not spawners, so that they increase little in comparison of the consumption of people. They have a constant supply out of England, which in time will drain us of people, as now Spain is, and will endanger our ruin, as now the Indies do Spain. Jamaica is so remote, that if it should be full peopled and planted they might set up for themselves, and command trade where they please, and so be of no use to us.

"Sir Christopher Mimms, with 800 men, stormed a fort in Jamaica, with 4 or 5000 men in it. They asked him, Who he was? he answered, 'A Shoemaker's son of Wapping; and should Oliver the Protector but send a Gentleman against the King of Spain, he would conquer all his Indies'.

"They change the Viceroy of Mexico every three years for fear of his being absolute.

"This Petition was ordered to be committed to the Committee of the whole House, appointed to take into consideration the general balance of trade." Grey, *Debates*, I. 40-41.

not onely very considerable in its self, in respect of other vast advantages which accrued thereby unto his Majesty and subjects in general, (*viz.*), the most part of the said sugars, etc., were from hence shipt out again and exported into foreign countries, and by that means returned back unto us large summes of money or commodities equivalent, for that upon the great wheel of trade of good and staple commodities are little inferior to, or less affected than ready bullion.

An Accompt of divers Obstructions to the beforementioned Advantages, occasioned by the late erected Company of Adventurers trading into Africa, who have solely ingrossed the Guiney Trade for Negroes; which must inevitably ruine His Majesties said Colonies in America, unless timely prevented:

1. The said Guiney trade for negroes was formerly free to all adventurers, and that without prejudice to the gold trade there, which was heretofore managed by the East India Company, for that the same cannot be well maintained without a great and general charge, as the building of forts, settling continued factories, etc., which the trade for negroes in no wise requires, it being the most usual way for the said adventurers to procure their negroes by ranging or coasting it along those vast territories, without intrenching upon, or assistance from the said factories and forts. By which freedom of the said adventurers trade the planters were heretofore plentifully supplied with negroes upon reasonable tearms, without which they cannot subsist; and likewise had of course considerable credit with the said adventurers, whereby the said colonies have attained unto their late perfection, without any cost or charge to this kingdom; and unless such freedom be continued, the plantations already compleated will soon decay, and those that are in their infancy never advance.

2. The said late erected company are of late very much sunk in their credits amongst merchants, owners of shipping and tradesmen, to many of whom they are very much indebted for freight of their ships and goods, and being often demanded to pay the same debts, they have refused, and still do refuse to pay the same, declaring they have no effects in their hands to enable them so to do; and so by consequence their trade following their credit, they are, and needs must be very uncapable to afford the said colonies any suitable supply of negroes, and also manage their gold-trade; whereupon they have lately taken up an unknown way of granting their licenses to others of his Majesties good subjects to fetch negroes from Guiney, exacting for the same two, three, four and five hundred pounds a ship; which said summes of money some have been enforced to give, or sit still, and suffer their plantations to come to ruine, which is the most intollerable grievance and oppression thatt ever was imposed upon his Majesties subjects planting in these parts, and trading to the same.

3. They have contracted with the Spaniards to supply them yearly for a term of years with thousands of negroes, which the Spaniard employes in planting the same commodities in his plantations, as are now planted in his Majesties plantations; which contract the said company hitherto have not, and for the future must not faile to perform, although his Majesties plantations remain totally unsupplied; whereby the Spanish plantations and commodities must of necessity flourish and rise, and his Majestie's moulder away, and come to nothing, whereas the free adventurers for the negroes trade formerly never used to sell any negroes to the Spaniards or other foreigners whatsoever, but brought all to his Majesties plantations, and thereby the same being plentifully and at indifferent rates supplied with negroes, have risen to be so considerable a part of the interest and care of the crown of England, as they now are.

4. They have greatly opposed the planters in putting an unreasonable price upon the negroes, which were brought upon the said companies accompt, for that formerly they were sold for 12, 14, and 16 pounds sterling a head, or 1600 l. and 1800 l. of sugar, and now of late five and twenty pounds a head sterling would have been given by his Majesties subjects the planters, when at the same time they sold to the Spaniards the chief of their negroes for eighteen pounds sterling a head, intending thereby to compell the said planters to a most unreasonable compliance; by which means also none but the refuse negroes were left to be sold unto the English planters, who refusing to buy the said refuse most of them died upon the said companies hands; and the said planters have been of late so meanly supplied, that negroes are now sold to them at the rate of thirty pounds sterling, or five thousand pound of sugar each negro; this usage so discontented the planters, that they resolved not to load upon the said companies ships, although the freight was offered by them under half the value then given to other ships, and the grievances of the planters in this particular in all probability might too much contribute to the too easie surrender of St. Christophers and Syrinam. . . .

6. The Dutch West-India Company had formerly a farre greater trade to Guiney than the English; but for many years past, before the constitution of this company, and whilst the trade for gold was in the management of the worthy East-India Company, and an open free trade for negroes allowed to all adventurers, the said Dutch trade did yearly so apparently decay, that one hundred pounds sterling of their original and principal stock was not worth ten pounds sterling, whereas since the said late erected company have taken place, each one hundred pounds sterling of the Dutch is now become worth near sixty pounds sterling, and the concerns of the English go as much to wrack, and will undoubtedly in a few years, as also his Majesties said colonies in America, unless seasonably prevented, be brought to nought.

7. If it shall be objected, that this company doth not participate of a monopoly, because their books were laid open for all men to subscribe that would, it is answered, that their books indeed were for some time laid open, but not till upon good grounds it was generally believed that the most part of their stocks was consumed, and they had run themselves upon so many other great inconveniencies, that no prudent merchant, who onely aimed at a profit upon the stock, without seeking after indirect advantages from the company in other by-ways, would engage amongst them. PAUL PAINTER, HENRY BATSON, FERDINANDO GORGES, BENJAMIN SKUTT, THOMAS KNIGHTS. (*Ibid.*, pp. 4-6, 8, 10, 12, 14, 16.)

Nov. 22, HC. The answer of the Royal Company to the petition of the merchants trading to Guiney, and the paper thereto annexed, as also the patent, were this day brought in; and delivered to the clerk of the House.

Ordered, that the clerk do cause copies of the said answer to be made out of the said merchants; and do let them have a sight of the patent. (*C. J.*, IX. 24.)

[Nov. 22], HC. The Answer of the Royal Company to the Paper of certain Heads and Particulars annexed and relating to the aforementioned Petition.

The said company do acknowledge, that his Majesties plantations are considerable for the trade of this nation, and so were, before the establishment of this company: but they say, that the said plantations were never so well supplied during the pretended freedom of trade for blacks,

as they have been by this company, since they were established, nor his Majesties revenue by customs larger, nor the trade for those parts ever more fully supplied with all sorts of merchandises and provisions.

And as to the obstructions which they object this company have given to that trade, they hope this honourable House will by the answers hereunder written receive satisfaction, and judge that the petitioners complaints are altogether causeless.

In answer to their first article, the said company say :

The whole trade of Guiney, Binny, and Angola, was incorporated many years since by a patent, as now it is ;¹² and those patentees purchased lands of the natives, and for their necessary security erected several forts, garrisons, and factories, on the Gold Coast, and other places ; who after they applied themselves principally to the trade of gold, did in few years lose the greatest part of their stock ; and the reason was, because the profit of that trade would not defray their charge of maintaining forts and factories, and the hire of ships, which brought home nothing but a pot of gold to defray their freight, there being at that time very little or no trade for blacks to the plantations. About ten or twelve years since they licensed ships at 10 per cent. on the cargoes : and then, the exporting of gold out of England being prohibited, and the trade of India being principally carried on with ready money, the East-India Company for their conveniency hired the castles, forts, and trade of the Gold Coast, of the said former company, which did turn to account to them, in regard their ships outward bound to India touched there without any considerable charge, landed their goods, and carried away the gold to India. But since this company was erected, they having settled several more considerable forts and factories, and been at charge to maintain them, they have found, that the trade of the Gold-Coast cannot possibly be maintained without the negro trade : and notwithstanding what the petitioners say to the contrary, that very negro trade cannot be carried on so well as by going first to the Gold-Coast, and taking thence some of those negroes for guardians to the Leeward Coast negroes.

And should not this trade for negroes be carried on by a company, as the petitioners confess the Gold-Coast trade ought to be, the traders would be subject to the injuries, affronts, and losses as formerly, of which the private traders a little before the beginning of the late Dutch war complained to this honourable House against the Dutch, alledging their losses alone, immediately before the erecting of this company, to amount unto 300,000 *l.* sterling, or thereabouts ; for the prevention of which, this company since their trading there have constantly sent out ships of force to protect their trade for blacks ; and whenever that care is neglected, that trade will be lost ; for the charge of its protection cannot be maintained by private traders.

And the said company farther say, that they have supplied the plantations more plentifully and cheaper, and given as much credit or more for negroes, then ever the private traders did or could give, as will appear ; by which means all the plantations have flourished more then ever

¹² Scott, *Joint-Stock Companies*, II. 3-17.

they did, until the late war broke out. So that it may reasonably be concluded, that if the negro trade should be separated from the Gold-Coast trade, and so left open, it would certainly lose the gold-trade, which cannot bear its own expence, and prove a great prejudice to, if not the ruine of the American plantations.

To the second the said company say: It's too true, that the company is indebted to several persons, occasioned by their great losses; *viz.*, there was taken from them at Goree by de Ruyter the value of 100,000 *l.* sterling, at Cormentine 60,000 *l.* sterling, at Sereleon 4000 *l.* sterling, at Syrinam and S. Christophers 20,000 *l.* sterling.¹⁸ But these losses could not have sunk the companies credit, had the planters and merchants, especially those of Barbados, complied with their obligations, who owe the company 90,000 *l.* sterling, of which they of Barbados owe 60,000 *l.* sterling, which last debt is thrice as much as the company owes to any besides their own members. Yet the company do not refuse to pay their debts, but pay interest to all their creditors, and do discharge principal and interest as fast as their effects come in, which are coming daily. Nor have they only enough left to pay their debts, but likewise to carry on the gold-trade, and furnish the plantations yearly with as many negroes as they shall have occasion for, and that at moderate rates, hoping they will pay their old debts, and be more just and punctual in their payments in future.

But yet they acknowledge, because their effects were abroad, they were forced rather then the plantations should want a supply of negroes for this time, to give licenses to several persons to trade to Guiney, and have taken of them towards the maintenance of forts 3 *l.* per ton, or 10 per cent. on the cargo, which is less then the company pays in proportion upon their whole trade; which is the course that hath been taken not only by the former Guiney Company, but by the East-India Company in their late united stock: and the company hath hitherto been so careful to supply the plantations that in the time of the great contagion (when all people fled from the city) they did dispatch nine ships to Guiney purposely to supply them with negroes, and so have continued dispatching ships successively all the time of the late war, so that there hath not been any want of negroes in any of the plantations.

To the third the said company say: It is true, that the company understanding that the Spaniards were treating with the Dutch West-India Company to furnish them yearly with a number of negroes, for preventing of that bargain to the Hollanders (which must inevitably have brought a great inconveniency upon the plantations, by the competition with the Hollanders for the procuring of negroes), and to bring a considerable return in ready money into this kingdom, and hoping thereby in time to introduce a trade into the Spanish West-Indies, did contract with them for the delivery of a certain number of negroes yearly (though at a low rate, yet such as would have brought yearly into this kingdom in pieces of eight 100,000 *l.* sterling), on purpose to keep the trade from the

¹⁸ Zook, *Company of Royal Adventurers Trading into Africa*, pp. 61, 65-66.

Dutch.¹⁴ But they never delivered to the Spaniards more then 1200 negroes, nor are they obliged to deliver them any more, because they have broken their articles with the company. And notwithstanding that agreement, the company furnished the plantations with 6000 negroes and upwards every year; which were more than they would buy of the company, who were forced to keep many of them on their hands until they perished: and it seems very strange the planters should complain of the companies selling negroes to the Spaniards, when as they themselves sold many of the negroes they bought of the companies factors to the Spaniards; nor do the Spaniards, as they alledge, imploy their negroes to make the same commodities as our plantations do furnish: for it's well known they use them chiefly in their silver-mines, and domestick-service.

To the fourth the said company say: The company did supply very plentifully all the plantations with negroes; and that there might be no cause of complaint, they informed themselves immediately after the sealing of the patent how negroes had been sold the four precedent years, and found that 17 *l.* per head or 2400 pound of sugar was the medium price, and they ordered their factors to sell them to the planters accordingly, and gave notice thereof to his Excellency the L. Willoughby governor of the Barbadoes, etc., to be communicated to all the plantations; who did publish the same by drum and trumpets, and caused the companies printed declaration to be fixed in all publick places of the island of Barbadoes, etc. Copies of both which letters are hereunto annexed.¹⁵ And the company say its utterly untrue, that the planters would have given 25 *l.* for such negroes as were sold the Spaniards, or that none but refuse negroes were left to be sold to the planters; for that the company always did order them to be sold in lotts according to the custome of the countrey. It may be true, they have of late (by reason of the accidents of the war) paid 30 *l.* for negroes; and so we have in London given 6 *l.* per chaldron for coals, when before the war they were sold at 20 *s.* But it is utterly untrue, that the planters for that pretended cause refused to load goods on the companies ships; for they have constantly refused those advantagious offers of cheap freight on the companies ships from the beginning, even at that time when negroes were sold them at 17 *l.* per head. And it is a sufficient evidence, that Syrinam and St. Christophers were very well supplied with negroes, by the great loss the company had in each place; and also by letters received from the governor of Syrinam, who ownes, that the credit they had from this company had brought that place to the good condition they were in before the Dutch possessed it. . . .

To the sixth the said company say: It's wholly untrue what they alledge; for it is notorious that from the time of the forming of this company, to the time of de Ruyters taking their ships at Goree, the Hol-

¹⁴ In 1663 the Royal Company contracted with Richard White, agent of Domingo Grillo and Ambrosio Lomoline, to furnish these Spanish asientists with 3500 negroes each year, the slaves to be delivered in Barbados and Jamaica. *Ibid.*, pp. 93-94; Beer, *Old Colonial System*, pt. I., vol. I., pp. 327-332; *Cal. St. P. Col.*, 1661-1668, p. 158.

¹⁵ Neither these letters nor the other papers referred to as annexed were printed with this reply.

lands West-India stock declined from 14 to 10 per cent. and was never since valued at above 18 per cent. at highest, which advance proceeded from their capture of this companies estate, and not from the mal-administration of the trade; for without reflection upon the East-India Company, they affirm (and let their books and this companies be judges) that this company sent out more goods in one year to that coast, than the East-India Company did in all those five years in which they had the trade:¹⁶ and which is yet more, for every shillings-worth of English manufacture which that company exported for that trade, this company sent a pounds-worth, and that of manufactures of the same species, which this company procured to be made here, and the East-India Company bought from Holland: so as it appears, that neither the Hollanders trade or stock is so much encreased, nor ours decreased, as the petitioners most mistakingly alledge; nor can this company be affected with any thing but what befel them by the war, which was their misfortune, and not their crime.

To the seventh the said company say: The companies books were open when the charter was first granted and made publick, as by the several printed declarations hereunto annexed doth appear, which were fixed in all parts of England and in all the American plantations:¹⁷ and no disparagement to the petitioners, as prudent and honest men as themselves did subscribe without any of those indirect and by-aims as they pretend, as this honourable House will perceive when they peruse the list of the adventurers names hereunto annexed; and we doubt not but they will likewise give reparations to so many worthy persons as by this article are scandalously abused; especially when it shall be considered,

First, that the stock which preceded this present stock was never more than 17,400 *l.* and though the most part of that were laid out in erecting two forts, and setting garrisons to secure the whole trade of the river of Gambia; yet no man that knows any thing of the importance of that river, would think that a consumption of the stock, but a most prudent employment of it, from whence a plentiful harvest of profit was rationally to be expected, and hath been, and may yet more abundantly be reaped; and therefore the merchants who engaged in the new subscription were not so imprudent as the petitioners report them.

Secondly, that those merchants who engaged in this present additional stock, were not men that aimed at indirect advantages by it; for *de facto* it will appear by the books, that those who had the administration of it, did so faithfully and industriously manage the trade, and so far engaged their own personal credits for the common interest, that before 80,000 *l.* of the subscribed stock was paid in, they had sent out to the value of 150,000 *l.* and by a clear ballance of the books had gained 80,000 *l.*

¹⁶ The short term of the lease, as well as other reasons, discouraged the East India Company from developing the African trade. Scott, *op. cit.*, II. 17.

¹⁷ *Cal. St. P. Col.*, 1661-1668, pp. 122-123.

From all which this company doth humbly presume to hope that the wisdom of Parliament will discover :

That this trade incorporated to this company is in its constitution national.

That without forts and force by land and sea, it cannot be secured to this kingdom.

That without the royal authority, and a joynt stock, those forts and forces cannot be supported.

That the whole charge cannot be born, but by the united advantage of the trade of the whole coast of Africa.

And upon the whole, that these petitioners allegations will resolve into this, that they being possessed of a sufficient part of our stock on which to manage the trade of blacks themselves, they would have the authority of this House to follow it for their own accounts, as they have had the advantage of the dilatory proceedings of the courts of Barbadoes, to detain the companie's estate from them, wherein the planters (our debtors) are judges.

One thing the said company must needs adde, that they believe a correspondence must needs have been between these complainers and the Dutch; for before we knew any thing of their design, or before they had presented their petition to this honourable House, they had taken care to make the Dutch réjoyce at the ruine of the Royal Company, which is expressed in the *Harlem Gazett* of the 30th of October. So that we have too much cause to suspect they are under-hand set on by the Dutch West-India Company, who doubtless would purchase the dissolution of this company with a greater summe of money than ever was subscribed to support it.

By order of the Company of Royal Adventurers of England Trading into Africa. ELLIS LEIGHTON, Secret. (*An Answer of the Company of Royal Adventurers of England Trading into Africa to the Petition and Paper exhibited to the Honourable House of Commons*, pp. 5, 7, 9, 11, 13, 15, 17-18.)

Nov. 27, HC. Ordered, that a committee be appointed to peruse the acts of navigation; and to prepare and bring in a bill, if they see cause, for making free from trade all such ships now in the hands of the king's subjects, as have been already taken prize, and are so adjudged in the Admiralty; and for reinforcing the former laws of navigation; viz. Sir John Knight, Sir William Coventry, Mr. Comptroller,¹⁸ Sir Thomas Struckland, Sir Anthony Ierby, Colonel Birch, Mr. Spry, Mr. Weld, Sir William Lowther, Mr. Rigby, Mr. Garroway, Sir John Shaw, Sir Richard Ford, Mr. Harbord, Sir William Lewis, Mr. Waller, Mr. Pryn, Sir Phillipp Warwick, Sir William Tompson, Mr. King, Sir Tho. Clergis, and all that serve for the City of London, or any port towns; or any five of them: and they are to meet to-morrow in the afternoon at two of the clock, in the Speaker's Chamber: and to send for persons, papers, and records. (*C. J.*, IX. 27.)

¹⁸ Sir Thomas Clifford.

Nov. 28, HC. This day the bill for preventing robbing by the highway was brought in. Some were for the sending away those that were taken for robbing (if it was not for burglary in the night and where no murther is comitted) to forraigne plantations; others spoke against it and said it would be an incouragement to theeves and robbers to do it to get a stock to carry to the plantations and to others that might be in hopes to make and escape and so gett back. The bill was passed as it was first brought in. (Add. MSS. 33413, f. 47.)¹⁹

Dec. 5, HC. Ordered, that the committee, to which the matter [of] prize ships free for trade was committed, be revived; and do sit this afternoon. (C. J., IX. 32.)

Dec. 11, HC. Sir Phillip Warwick reports, from the committee appointed to prepare a bill for making use of foreign prize ships, as English built.

A bill for that purpose; . . . was read the first time.

Resolved, etc., that the said bill be read the second time to-morrow morning.²⁰ (*Ibid.*, p. 35.)

Dec. 14, HC. The bill for encouraging of trade, by making prize-ships free ships of trade, was read the second time.

Resolved, etc., that the said bill be committed to Sir Phillip Warwick, Sir Wm. Thompson, Sir Humfry Winch, Mr. Crouch, Mr. Coventry, Sir Tho. Higgins, Sir Tho. Clergis, Sir Walter Young, Sir Jo. Knight, Mr. Love, Mr. Steward, Col. Reames, Sir Jo. Berkenhead, Sir Jo. Fred-ericke, Sir Cha. Wheeler, Sir Edm. Walpoole, Mr. Morrice, Sir Fretch-vile Hollis, Sir Tho. Littleton, Col. Sandys, Lord Richardson, Sir John Shaw, Sir Jo. Brampton, Sir Henry Capell, Sir Lanc. Lake, Sir Anth. Irby, Sir Tho. Bludworth, Mr. Cheyne, Sir Edm. Wyndham, Sir Jo. Denham, Col. Birch, Sir George Downing, Mr. Jones, and all the members that serve for the out-ports . . . And they are to meet on Monday next, at two of the clock in the afternoon, in the inner Court of Wards; and to have power to send for persons, papers, and records. (*Ibid.*, p. 38.)

Dec. 17, HC. Sir John Knight reports from the committee, to which the bill for encouragement of trade was committed,²¹ several amendments agreed by the committee to be made to the bill: which he read in his place; and afterwards delivered in the same at the clerk's table: which being twice read, and severally agreed to;

Resolved, etc. that the bill, with the amendments agreed to, be ingrossed. (*Ibid.*, p. 41.)

¹⁹ See p. 341, note 4, *ante*. The *Journals* (IX. 26, 27) record the first reading of this bill on the twenty-seventh, the second reading on the twenty-ninth, but make no mention of any proceeding in the matter on this day. This bill failed to pass the Lords.

²⁰ 19 and 20 Car. II. c. 3 (*Statutes*, V. 628). This act provided that foreign-built ships belonging to Englishmen, taken in the late war with the Dutch and condemned by the admiralties of England, Ireland, or the plantations, were to enjoy the benefit of English-built ships, on condition that the owners made oath that no foreigner had any interest therein. The officers of the customs administering such oaths were required to give certificates to the owners of the ships, and to return duplicates to the custom officers at the port to which such ships belonged; and these officers in turn were to return the certificates to the customs at London, for deposit and record in the Court of Exchequer.

²¹ The bill for making prize ships free for trade.

Dec. 18, HC. An ingrossed bill, for making prize-ships free for trade, was read the third time.

A proviso for making two ships at Boston free, was read thrice; and agreed to be made part of the bill.

Resolved, etc., that the bill do pass; and that the title be, An act for making prize-ships free for trade.

Ordered, that Sir Charles Harbord do carry up this bill . . . to the Lords, for their concurrence.²² (*Ibid.*, p. 42.)

Dec. 18, HL. *Hodie 1a vice lecta est billa*, An act to make prize ships free for trade. (*L. J.*, XII. 175.)

Dec. 18, HL. *Hodie 2a vice lecta est billa*, An act to make prize ships free for trade.

Ordered, that the consideration of this bill is committed to that committee as the bill for naturalizing of Alvaro da Costa;²³ to meet to-morrow morning, at eight of the clock. (*Ibid.*, p. 176.)

Dec. 19, HL. The Earl of Bridgwater reported, that the committee have considered the bill for the making prize ships free for trade; and thinks it fit to pass, without any amendment.

Hodie 3a vice lecta est billa, An act to make prize ships free for trade.

The question being put, whether this bill shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 177.)

Dec. 19, HL. A message was sent to the House of Commons, by Sir Justinian Lewyn and Sir Nathaniell Hobart, which consisted of these particulars;

1. To acquaint them, that this House hath passed these bills . . .

2. The act to make prize ships free for trade. . . .²⁴ (*Ibid.*)

1667/8.

Mar. 6, HC. Sir Thomas Meeres reports from the committee appointed to consider of an additional duty on foreign commodities,²⁵ that the committee had made some progress therein; but had not come to any estimate, nor finished their report, having not had sufficient time; but had agreed upon a resolve in general, upon what foreign commodities the additional duties should be imposed: which resolve was as followeth; *viz.*

That all sorts of linen, wines, brandy, and tobacco, may receive an additional duty, of the custom-house.

Resolved, etc., that the matter be re-committed to the former committee to proceed, and finish their report. (*C. J.*, IX. 62.)

Mar. 17, HC. *Sir William Coventry*:²⁶ Merchants in Holland, having not much land to purchase there, employ their money generally in trade.

²² *L. J.*, XII. 175.

²³ *Ibid.*, p. 172.

²⁴ *C. J.*, IX. 42. Lewen and Coell (Cole) are there mentioned as the messengers. The bill received royal assent Dec. 19. *L. J.*, XII. 179; *C. J.*, IX. 43.

²⁵ This committee was appointed by the committee of the whole on supply Feb. 29. *C. J.*, IX. 58.

²⁶ In debate concerning supply. Additional duties were laid on wines and 12 *d.* a quart was charged on brandy, but no further action on tobacco was taken by the committee during this session. *Ibid.*, pp. 66, 67.

'Tis otherwise in England; for as soon as a merchant has got a good stock of money, he presently buys an estate. They still plant tobacco in England, and if more imposition be laid, it will destroy the foreign tobacco, and nurse up our English plantations. We import much from abroad, and the laying the duty at the custom-house will much hinder the bringing it in.

Sir Thomas Lee: In tobacco you cannot tell who is the last retailer, it goes through so many hands; four or five at least; therefore would have it rated at the custom-house.

Sir Thomas Clifford, speaking of the plantations: Once a year Long Lane²⁷ is swept of old cloaths and books. What costs the merchant 40 *l.* yields the king 80,000 *l.*; and sometimes the merchant will lose and forfeit his tobacco, when it is damaged, rather than pay the custom.

If the duty be laid at the custom-house, the less will be imported. But if a patentee can get money by it as formerly, why should not money be raised now upon it by law? The serpent will be no more in this weed at the custom-house than by way of excise.

Mr. Waller: 'Tis much worse to lay this upon the customs than wines; plantations being not in that case. We have negatives upon all old ways, which, if continued, is the way (though in other words) to say, the king shall have no supply. Though the merchants are against the custom-house way, and would lay it upon land, yet if no rents are paid, we cannot buy of them, and they at last must perish with us.

Sir Robert Carr: Finds that excise, from the beginning of the session, has been aimed at, rather than a supply.

Mr. Vaughan: When you find what the merchant has, you may easily guess at the proportion rented by the retailer.

Mr. Swynfin: A motion that carries all its form along with it, is most plausible. It was the multitude of commodities that occasioned a multitude of officers, when collected upon retailers; but now here is but one commodity charged. (*Grey, Debates of the House of Commons*, I. 116-117.)

Session of February 14, 1669/70–April 22, 1671 (22–23 Car. II.).

1669/70.

Feb. 28, HC. A bill to make stealing of cloth off the racks felony without clergy was read the second time.¹

Resolved, etc., that the bill be committed to Sir Robert Atkins, Sir Charles Harbord, Sir Solom. Swale, Sir Jo. Knight, Sir Thom. Allen, Col. Birch, Sir Robert Carr, Mr. Lucy, Col. Williams, Sir Denny Ashburnham, Mr. Milward, Sir Adam Browne, Sir Robert Howard, Lord Richardson, Sir Thom. Meres, Sir Lanc. Lake, Sir Jo. Duncombe, Mr. Lovelace, Sir Jo. Talbott, Sir Thom. Tomkins, Mr. Crouch, Mr. Spry,

²⁷ Near Aldersgate.

¹ There is no reference to the first reading of this bill. Persons found guilty of stealing cloth or of embezzling his Majesty's stores to the value of 20 *s.* were excluded from the benefit of clergy and could be transported to the plantations for the period of seven years. 22 Car. II. c. 5 (*Statutes*, V. 657).

Sir Thom. Dolman, Col. Milward, and all the members that serve for the several counties of Gloster, Wilts, Somersett, York, Kent, Devon, Worcester, and Berks: and all that shall come are to have voices: and they are to consider the debates of the House; and bring in an enacting clause in the bill to make stealing the king's ammunition or stores felony without clergy: and they are to meet this afternoon at two of the clock, in the Speaker's Chamber: and to send for persons, papers, and records. (*C. J.*, IX. 128.)

Mar. 1, HC. Sir Robert Atkins reports from the committee to which the bill for making the stealing of cloth from the racks felony without clergy, several amendments agreed to be made; and a proviso, as to the king's ammunition and stores, to be added to the bill: which he read: and the bill, with the amendments, and proviso, being agreed to; and another amendment made at the table, by inserting these words, "or other woolen manufactures";

Resolved, that the bill, with the amendments agreed to, be ingrossed. (*Ibid.*, p. 129.)

Mar. 1, HC. A bill to prevent sending of English subjects prisoners into parts beyond the seas, was read the first time.

Resolved, that the bill be read the second time.² (*Ibid.*, p. 130.)

*Mar. 1, HC.*³ *Mr Garroway:*⁴ Would know whether the distillers can make such a liquor of our native grain, as shall carry good to our southerly plantations; and how to make up the king's revenue, which arises out of foreign brandy. If we can make such a liquor, we may spend our growth of corn that we know not what to do with.

Sir John Knight: If we do prohibit foreign brandy here, yet the French will carry it near to our plantations, and steal it ashore. If you prohibit it, yet much may come in notwithstanding, by connivance of searchers, and stealing it ashore. If it destroys mens bodies, then prohibit the use of it totally, both foreign and home made.

Mr. Jones, member for London:⁵ Suppose the distillers cannot make so good brandy, and you prohibit foreign, and lessen the king's revenue for the private gains of the distillers. The shipping, seamen, and trade, are concerned in it; the plantations have good by it; and it is hard to change the fantasies in the plantations after long habitude. If you prohibit it not Ireland, still you will not vend your corn, for the plantations will be supplied besides from France; so that the distillers cannot make out what they suggest. . . .

Sir William Thompson: The Dutch do make a certain liquor, called rum, which is not so good. The compensation for the king will not be done with 4000 *l.* Though logwood be forbidden, yet it is brought in. Would have a considerable imposition laid at the custom-house, that it may be as cheap made here as brought in, and you may have your ends answered.

² This bill passed the Commons but was rejected by the Lords; see p. 360, *post*.

³ This debate, following the reading of several petitions, was upon the question that the importation of foreign brandy be wholly prohibited. It passed in the negative, 83 to 91.

⁴ William, sometimes spelled Garway, of Chichester.

⁵ John Jones.

Sir Richard Temple: We may satisfy the plantations with brandy made of wine here, as well as from France, as has been said

Sir George Downing: Plantations will require brandy; they will have it over the belly of all laws and prohibitions. But how shall a man in judgment give his vote in this case? Distillers speak in their own case, and know not plantations. If a ship come thither without brandy, it cannot vent its commodities. French plantations are within a night's sail of us; and here our troops of horse, upon the shore, cannot hinder the shallops in the night from trading with us by stealth. No law you can make, can hinder Ireland from trading thither with brandy. Trade will be turned into New England, and that trade we would not have enlarged.

Sir Thomas Littleton: Is informed, that the Dutch have not prohibited brandy; it proceeded no farther than a discourse. The plantations labour so under four per cent. that the Dutch are rivals to us in their trade: should you add this farther weight upon them to this they groan under, they will never bear the load. Would have it prohibited at home, and, for the plantations, if exported, the custom restored again. By that means, you may see whether ours may do as well as foreign, and not suffer in the intermission.

*Mr Love:*⁶ Strong waters, made of barley, are ropy before they come to the plantations. Prohibitions rather increase the commodity. They sell it cheaper, in effect, considering the duty, than it costs. As brandy may come to the plantations by stealth, so may sugars, or any thing.

*Mr Jolliffe:*⁷ What will you do in dear years? In dearth, neither the king's revenue, nor the plantations, can be supplied.

Sir John Duncombe: In the trade of Guinea, all the English strong waters perished. Brandy must be re-distilled to make it fit for the East Indies; how then can our aqua vitae carry?

Sir Thomas Lee: Has heard say, that brandy is made of other ingredients than wine. As that made of wheat, it is not said but that of barley may do as well for present use; the other for longer voyages. (Grey, *Debates*, I. 215-219.)

Mar. 3, HC. A bill to prevent burning stacks of corn and hay, maiming and killing of cattle, and other mischiefs, was read the first time.

Resolved, that the bill be read a second time.⁸ (*C. J.*, IX. 131.)

Mar. 3, HC. A bill to prevent sending English subjects prisoners into parts beyond the seas, was read the second time.

Resolved, that this bill be committed to Sir Thomas Lee, Sir Jo. Coryton, Mr. Arthur Onslow, Sir Courtney Poole, Lord Ancram, Sir Robert Carr, Lord Fitz-Williams, Sir Richard Temple, Sir Jo. Knight, Sir Walter Young, Sir Thom. Bludworth, Mr. Love, Mr. Swynfen, Sir Richard Ford, Mr. Cheyne, Sir Jo. Northcote, Col. Williams, Sir Solom. Swale, Sir Robert Atkins, Sir Anth. Irby, Colonel Reames, Sir Jo. Hot-

⁶ William, alderman, of London.

⁷ John, representing Heytesbury.

⁸ 22 and 23 Car. II. c. 7 (*Statutes*, V. 709). By section 3 of this act, offenders could elect to be transported to the plantations for seven years; for returning before the expiration of this period, the penalty was death.

ham, Mr. Garraway, Mr. Buscawen, Sir Jo. Dawney, Sir Thom. Gower, Sir Thom. Tomkins, Mr. Daniell, Sir Jo. Fitz-James, Mr. Dunstar, Mr. Stockdale, Sir Wm. Coventry, and all the members that serve for the county of Wilts; and all the gentlemen of the long robe: and they are to meet to-morrow at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, pp. 131-132.)

Mar. 4, HC. Another ingrossed bill for taking away the benefit of clergy from such as steal cloth from the rack; and from such as shall steal or imbezzle his Majesty's ammunition.

Resolved, etc., that the bill do pass: and the title shall be, An act for taking away the benefit of clergy from such as steal cloth from the rack; and from such as shall steal or imbezzle his Majesty's ammunition or stores.

And Sir Wm. Beecher is to carry up the two bills to the Lords.⁹ (*Ibid.*, p. 132.)

Mar. 5, HC. A bill to prevent burning stacks of hay and corn, and other mischiefs usually committed by lewd persons in the night-time, was read the second time.

Resolved, that the bill be committed to Sir Jo. Duncombe, Sir Robert Carr, Sir Nich. Slanng, Lord Alington, Sir Wm. Lowther, Mr. Geo. Clarke, Sir Solom. Swale, Sir Winston Churchill, Sir Robert Atkins, Sir Jo. Heath, Sir Nich. Cary, Sir Thom. Gower, Sir Jo. Talbott, Sir Jo. Northcote, Mr. Daniell, Mr. Wren, Sir Charles Harbord, Sir Jo. Morley, Col. Birch, Sir Wm. Lowther,¹⁰ Mr. Pleydall, Sir Anth. Irby, Sir Jo. Malet, Lord Fanshawe, Col. Titus, Sir Thom. Doleman, Mr. Harbord,¹¹ Mr. Crouch, Sir Jo. Knight, Sir Gilbert Talbott, Sir Jo. Coryton, Mr. Westphaling, Mr. Palmer, Mr. Buscawen, Col. Kirkby, Sir Jo. Brampton, Sir Jo. Newton, Sir Edw. Smith, Sir Anth. Cope, Sir Jo. Hanmore, Mr. Chetwin, Dr. Burwell, Sir Wm. Hickman, and all the members that serve for the several counties of Northampton, Cambridge, Dorsett, Somerset, and Lincolne: and all that shall come are to have voices: and they are to meet on Monday next, at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 133.)

Mar. 7, HC. Ordered, that Sir Thomas Lee's report of the bill touching prisoners, be heard on Wednesday morning, nine of the clock. (*Ibid.*, p. 134.)

Mar. 9, HC. Sir Jo. Brampton reports, from the committee to which the bill to prevent burning stacks of corn and hay, and maiming of cattle, by lewd persons, in the night-time, was committed, several amendments to be made, and two provisoes to be added, to the bill: which amendments were twice read; and, upon the question, agreed to.

The first of the said provisoes being twice read; and some debate arising thereupon, and upon some other matters in the bill relating thereto;

⁹ *L. J.*, XII. 299.

¹⁰ A duplication of the same name above.

¹¹ William, of Clifton.

Resolved, that the bill be recommitted, upon the debates of this House. (*Ibid.*, p. 135.)

Mar. 9, HL. *Hodie Ia vice lecta est billa*, An act for taking away the benefit of clergy from such as steal cloth from the rack, and from such as shall steal or embezzle his Majesty's ammunition and stores. (*L. J.*, XII. 303.)

Mar. 10, HC. Ordered, that the bill for preventing the stealing of children be read to-morrow morning. (*C. J.*, IX. 136.)

Mar. 11, HC. A bill against stealing of children, was read the first time.

Resolved, that this bill be read a second time.¹² (*Ibid.*, p. 137.)

Mar. 11, HC. Ordered, that the report . . . of the bill touching prisoners, be heard to-morrow morning. (*Ibid.*)

Mar. 12, HC. Ordered, that Mr. Lee's bill¹³ be read the third bill on Monday morning. (*Ibid.*, p. 138.)

Mar. 14, HC. A bill against stealing children was read the second time.

Resolved, etc., that the bill be committed, on the debates of the House, to Serj. Maynard, Sir Rob. Atkins, Sir Hump. Wynch, Mr. Marvell, Sir Nicho. Slaning, Sir Wm. Lowther, Sir Tho. Mompesson, Dr. Burwell, Sir Fran. Clarke, Lord Ancram, Sir Tho. Allen, Lord Fanshaw, Colonel Whitley, Sir John Barnaby, Sir Tho. Gower, Sir Robert Atkins, Sir Roger Bradsheigh, Sir Jonath. Trelawny, Sir John Newton, Mr. Garraway, Sir John Birkenhead, Sir Charles Harbord, Sir Solom. Swale, Sir Robert Carr, Mr. Phillipps, Sir Gilbert Talbot, Sir Charles Wheeler, Sir John Northcott, Mr. Greenfeild, Sir John Knight, Sir Edw. Thurland, Sir Adam Browne, Sir Gilbert Gerrard, Sir John Talbot, Sir Rich. Wiseman, Mr. Westphaling, Sir Tho. Doleman, Sir Jeoff. Shakerly, Mr. Morice, Sir Wm. Lewis, Sir Courtney Poole, Mr. Glascock, Mr. Onslow, Sir John Bennet, Mr. Seymour, Mr. Culleford, Mr. Herbert, Mr. Daniell, Mr. Steward, Mr. Thomas, Mr. Whittaker, Mr. Crowch, Sir Wm. Coventry, Col. Phillips, Sir Hen. Puckering, Sir John Earnley, Mr. Chetwyn, Mr. Swynfen: and all that shall come are to have voices: and they are to meet to-morrow, at two of the clock in the afternoon, in the Speaker's Chamber. (*Ibid.*)

Mar. 16, HC. Mr. Serjeant Maynard reports, from the committee to which the bill against stealing and transporting children was committed, some amendments to be made to the bill: which were twice read; and, upon the question, agreed unto.

Resolved, etc., that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 140.)

Mar. 17, HC. Sir Jo. Brampton reports, from the committee to which the bill to prevent burning stacks of corn, and maiming cattle, was committed, several amendments to be made to the bill: which were twice

¹² This bill, against the stealing and transporting of children, did not become a law, through failure of the Commons to concur in the amendments made by the Lords.

¹³ Against transporting prisoners beyond the seas. The *Journals* make no mention of the report of this bill which was ordered to be made on this day.

read; and, upon the question, with some alterations made at the table, agreed to.

Resolved, etc., that the bill, with the amendments, be ingrossed. (*Ibid.*, p. 141.)

Mar. 17, HC. An ingrossed bill, to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle, was read.

Resolved, etc., that the bill do pass: and that the title be, An act to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle. (*Ibid.*, p. 142.)

Mar. 17, HL. *Hodie za vice lecta est billa*, An act for taking away the benefit of clergy from such as steal cloth from the rack, and from such as shall steal or embezzle his Majesty's ammunition and stores.

Ordered, that the consideration of this bill be committed to these Lords following: *Dux* Richmond, *L.* Chamberlain, *Comes* Dorsett, *Comes* Bridgewater, *Comes* Bolingbrooke, *Comes* Marleborough, *Comes* Rivers, *Comes* Petriburgh, *Comes* Winchilsea, *Comes* Scarsdale, *Comes* Anglesey, *Comes* Craven, *Comes* Aylsbury, *Viccomes* Say and Seale, *Viccomes* Hallyfax, *Epus.* Winton, *Epus.* Sarum, *Epus.* Petriburgh, *Epus.* Bangor, *Epus.* Lyncolne, *Epus.* Chester, *Ds.* Sandys, *Ds.* Eure, *Ds.* Pagett, *Ds.* North, *Ds.* Petrie, *Ds.* Lovelace, *Ds.* Hatton, *Ds.* Berkley de Strat, *Ds.* Ashley.

Their Lordships, or any five; to meet at eight of the clock to-morrow morning in the Lord Keeper's Lodgings. (*L. J.*, XII. 311.)

Mar. 18, HC. An ingrossed bill, to prevent stealing and transporting children, and other persons, was read.

Resolved, etc., that the bill do pass: and that the title be, An act to prevent stealing and transporting children, and other persons. (*C. J.*, IX. 142.)

Mar. 18, HC. An ingrossed bill, against transporting English subjects prisoners into parts beyond the seas was read; and a proviso, on the question, agreed to be made part of the bill.

The question being put, that the bill do pass;

The House divided.

The yeas went out.

Tellers, Sir John Mallet, Mr. Herbert, for the yeas, 100.

Sir Solo. Swale, Sir Gilb. Talbott, for the noes, 99.

And it was resolved in the affirmative, that the bill do pass: and that the title be, An act against transporting English subjects prisoners into parts beyond the seas. (*Ibid.*)

Mar. 18, HC. *Mr. Solicitor Finch:* If this be a good bill ¹⁴ (for *ex malis moribus bonae leges*) it has the best luck that ever bill had. *Relegati ad insulas*, and no foot of liberty left the subject. This bill does not distinguish between imprisonment *ad custodiam*, and that that may be *ad poenam*. As you have declared the law, he shall have an action at law, for his being "detained for any contriving or acting". It is an unfathomable clause, without depth; had you stopped at "damages from the party", etc. Every verdict from the party disables the defendant from

¹⁴ Against transporting prisoners; see preceding item.

bearing any office. This is a severity not meant by the bill, and yet expressed. You have not left the king any power, and it is in the power of any man to fly in the king's face, and turn out any of his officers; and this is the good-manners of this bill.

Sir Thomas Lee: He that is sent to Jersey or Guernsey, may be sent to Tangier, and so never know what his crimes are, and no habeas corpus can reach him. All conviction must be by a plebian jury, which now they cannot have. Thinks no danger in it; it does not take away the king's power at all, but secures the subject.

Sir Robert Atkins: It is said by the Solicitor "that the king has the power already to send a man out of the kingdom convicted of felony". It is the first time he has heard it for law. This bill takes away the danger we were under in these times of transportation to Jamaica, etc.

Serjeant Maynard: Law and prerogative must stand together. Suppose a man be kept three years at Tangier; he cannot help himself, but could wish that the clause of "aiding and assisting" was put out.

Sir Thomas Meres: Prerogative is but a pretence the lawyers differ about; it is but a poor request to have this granted, if it be a retrenching the prerogative, after such great aids given by this House.

Sir Anthony Cope: Would have no man out of the reach of Westminster-hall. (Grey, *Debates*, I. 236-237.)

Mar. 18, HL. A message was brought from the House of Commons, by Mr. Williamson and others; who brought up several bills, to which their Lordships concurrence is desired. . . .

2. An act to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle. . . . (*L. J.*, XII. 313.)

Mar. 18, HL. A message was brought from the House of Commons, by Sir Jonathan Trelawny and others; who brought divers bills, to which their Lordships concurrence is desired:

1. An act to prevent stealing and transporting children and other persons (*Ibid.*)

Mar. 18, HL. His Royal Highness, the Duke of Yorke reported, that the committee have considered of the bill for taking away the benefit of clergy from those that steal cloth from the racks, and steal the king's ammunition and stores, and have made small alterations therein; which, being read twice, were agreed to.

Hodie 3a vice lecta est billa, An act for taking away the benefit of clergy from such as steal cloth from the rack, and from such as steal or embezzle his Majesty's ammunition and stores.

The question being put, whether this bill, with the alterations now read, shall pass,

It was resolved in the affirmative. (*Ibid.*)

Mar. 18, HL. A message was brought from the House of Commons, by Sir Thomas Lee, etc., who brought up a bill, intituled, An act against transporting English prisoners into parts beyond the seas; to which they desire their Lordships concurrence. (*Ibid.*)

Mar. 18, HL. A message was sent to the House of Commons, by Sir John Coell and Mr. Halsey

2. To return them the bill for taking away the benefit of clergy from stealers of cloth from the rack; wherein the Lords have made some amendments, and desire their concurrence thereunto. . . . (*Ibid.*)

Mar. 19, HL. Ordered, that the bill to prevent the malicious burning of houses and stacks of corn, etc., be read on Monday morning next. (*Ibid.*, p. 316.)

Mar. 21, HL. *Hodie 1a vice lecta est billa*, An act to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle. (*Ibid.*, p. 319.)

Mar. 23, HC. The amendments, sent from the Lords, to the bill for taking away the benefit of clergy from such as shall steal cloth from the rack; and from such as shall steal or imbezzle his Majesty's ammunition and stores.

Resolved, etc., that the amendments be agreed to; and that the bill be amended accordingly; and returned to the Lords.¹⁵ (*C. J.*, IX. 145.)

Mar. 24, HL. *Hodie 2a vice lecta est billa*, An act to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle.

Ordered, that the consideration of this bill be committed to these Lords following: *Dux* Richmond, *Comes* Dorsett, *Comes* Sarum, *Comes* Exon., *Comes* Bridgwater, *Comes* Denbigh, *Comes* Bolingbrooke, *Comes* Berks, *Comes* Dover, *Comes* Sandwich, *Comes* Essex, *Comes* Cardigan, *Comes* Anglesey, *Comes* Carlile, *Comes* Craven, *Comes* Burlington, *Vicecomes* Hallyfax, *Epus.* London, *Epus.* Winton, *Epus.* Ely, *Epus.* Sarum, *Epus.* Carlile, *Epus.* Exon., *Epus.* Chester, *Ds.* Eure, *Ds.* Willoughby, *Ds.* Chandos, *Ds.* Mountagu, *Ds.* Lovelace, *Ds.* Coventry, *Ds.* Powis, *Ds.* Newport, *Ds.* Hatton, *Ds.* Byron, *Ds.* Ward, *Ds.* Cornwallis, *Ds.* Ashley, *Ds.* Frescheville, *Ds.* Arundell Trerice.

Their Lordships, or any five; are to meet on Saturday, at three of the clock in the afternoon, in the Prince's Lodgings. (*L. J.*, XII. 322.)

1670.

Mar. 25, HL. *Hodie 1a vice lecta est billa*, An act against transporting English prisoners into parts beyond the seas.

The question being put, whether this bill shall be rejected?

It was resolved in the affirmative. (*Ibid.*, p. 325.)

Mar. 26, HL. *Hodie 1a vice lecta est billa*, An act to prevent stealing and transporting children and other persons. (*Ibid.*)

Mar. 26, HL. *Hodie 2a vice lecta est billa*, An act to prevent the stealing and transporting children and other persons.

Ordered, that the consideration of this bill be committed to these Lords following: *Comes* Dorsett, *Comes* Bridgwater, *Comes* Bolingbrooke, *Comes* Dover, *Comes* Anglesey, *Comes* Winchilsea, *Comes* Craven, *Epus.* Durham, *Epus.* Petriburgh, *Epus.* Lyncolne, *Epus.* Chester, *Ds.* Sandys, *Ds.* Eure, *Ds.* Willoughby, *Ds.* North, *Ds.* Petre, *Ds.* Powis, *Ds.* Byron, *Ds.* Gerard, *Ds.* Bellasis, *Ds.* Cornwallis, *Ds.* Arundell de Trerice.

¹⁵ *L. J.*, XII. 321. The royal assent was given Apr. 11. *Ibid.*, p. 350.

Any five; to meet on Monday morning next, at eight of the clock, in the Prince's Lodgings. (*Ibid.*, p. 326.)

Apr. 2, HL. Ordered that the bill against burning of houses, etc., shall be reported on Monday morning next. (*Ibid.*, p. 337.)

Apr. 4, HL. The Earl of Anglesey reported the bill to prevent burning of houses, etc. with some amendments; which being read twice, and having some debate thereupon, it is ordered, the said bill be re-committed, and further considered of: the committee is to meet this afternoon, at three of the clock; and the Lord Viscount Hallyfax is added to that committee. (*Ibid.*, p. 338.)

Apr. 4, HL. The committee for the bill against transporting children, etc., are to meet this afternoon. (*Ibid.*)

Apr. 5, HL. The Earl of Dorsett reported, that the committee have considered the bill against transporting of children and others; and have made some alterations therein, and added a proviso, which are offered to their Lordships considerations.

The said amendments and proviso being read, it is ordered, that the said bill, with the amendments and proviso, is re-committed, to be further considered of. (*Ibid.*, p. 340.)

Apr. 5, HL. Ordered, that the committee for the bill against felonious burning of houses, etc. do meet to-morrow in the afternoon. (*Ibid.*, p. 341.)

Apr. 9, HL. A message was brought from the House of Commons by Mr. Birch and others . . . to put their Lordships in mind of . . . the bill against transporting of children and other persons. (*Ibid.*, p. 346.)

Oct. 24, HL, HC. Then the Lord Keeper¹⁶ spake as follows . . .
My Lords and Gentlemen,

Having named the leagues made by his Majesty, I think it necessary to put you in mind, that, since the close of the last war, his Majesty hath made several leagues, to his own great honour, and of infinite advantage to the nation . . .

And another league upon a treaty of commerce with the crown of Spayne, whereby there is (not only) a cession, and giving up to his Majesty, of all their pretensions to Jamaica, and other the islands and countries in the West Indies, in the possession of his Majesty or his subjects; but withal, free liberty is given for his Majesty's subjects to enter their ports, for victuals and water, and safety of harbour; and return, if storms or other accidents bring them thither: privileges which were never before granted by them, either to the English or any others. . . .¹⁷ (*Ibid.*, pp. 352-353; *Cobbett*, IV. 458.)

Oct. 27, HC. Resolved, etc., that a committee be appointed to inspect the act of navigation; and to bring in a bill for preserving and improving the plantation trade.

¹⁶ Sir Orlando Bridgeman, lord keeper of the great seal 1667-1672. The occasion of this speech was the sitting of Parliament after its adjournment from Apr. 11.

¹⁷ Treaty of July 18, 1670. Printed in Dumont, *Corps Universel Diplomatique du Droit des Gens* (1731), VII. 137; and as document no. 65 in Davenport, *European Treaties bearing on the History of the United States*, II.

And it is referred to Sir Geo. Downing,¹⁸ Col. Birch, Mr. Love, Col. Titus, Sir Edw. Massey, Sir Rich. Temple, Sir Cha. Harbord, Sir Wm. Thompson, Col. Reames, Sir Wm. Coventry; or any three of them: and they are to meet on Monday next at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*C. J.*, IX. 158.)

Nov. 3, HC. Ordered, that the committee to which the matter concerning the plantation trade was committed be revived; and do sit this afternoon. (*Ibid.*, p. 159.)

Nov. 4, HL. Ordered, that the committee for the bill to prevent killing of cattle, and burning ricks of hay, etc. do meet on Thursday next, at three of the clock in the afternoon. (*L. J.*, XII. 356.)

*Nov. 7, HC.*¹⁹ *Sir John Knight:* This commodity²⁰ yields seven-score thousand pound *per ann.* one third part of the customs of England. The port of Bristol has 6000 ton of shipping. The king gains 5 *l.* a head by every man that goes into the plantations. It employs half the ships of Bristol. Many leave their tobacco at the custom-house, for want of money to pay the custom. If you lay this 2 *d.* at the custom-house, it will spoil both navigation and the king's revenue. If you will do any thing in tobacco, the 2 *d.* a pound at the custom-house must be taken away, *viz.* 1 *d.* custom, and 1 *d.* excise; if you export it again, you are abated three halfpence.

Sir William Thompson: Those of Holland have lowered their custom to six guilders, *viz.* 3 *s.* the hogshead. In England it was once high rated, and then the people stole it. It came to 2 *d.* and then it was well paid. It was raised in the troubles, and then ill paid. Now the custom of 2 *d.* raises more than ever. It is of great concern to the nation in point of navigation, for great ships, in the Streights, which, in this day of our neighbours arming, are of great use to the king. If we lay great duty, great ships cannot bring it, and it will be stolen in by small ships into creeks, and so both ships and king's revenue be destroyed by it. It brings in 100,000 *l. per ann.* to the king. It was once the king's commodity. The patent to Lord Goring brought in nothing considerable; and for licences it brought in 10,000 *l. per ann.*²¹ It is now ordinarily 20 *s.* to the importer; the king has 3 *l.* Rate it higher, neither merchant nor king

¹⁸ Oct. 31 Downing wrote to Sir John Shaw: "Please send to my house tomorrow the bill for Plantation trade and against planting tobacco. Tomorrow being holiday I shall have leisure to look it over." (*Calendar of Treasury Books, 1669-1672*, p. 679.) Dec. 5 he asked Sir James Hayes to return this bill, which the latter had from Mr. Forth. *Ibid.*, p. 698.

¹⁹ "The House then resolved into a Committee of the whole House, to proceed in the further Consideration of his Majesty's Supply . . ." *C. J.*, IX. 161.

²⁰ Tobacco. Over 9,000,000 lbs. were imported into England during the year ending Sept. 29, 1669. For statistics concerning the colonial trade of this period, especially with the sugar and tobacco colonies, see Beer, *Old Colonial System*, pt. I., vol. I., pp. 40-43.

²¹ In 1637 a patent was issued to Goring and others to collect the fines and rents under the licensing system, which theretofore had been in the hands of the Privy Council. Goring, who had been the leading tobacco monopolist, agreed to pay for this privilege £11,000 yearly, and two-thirds of any surplus revenue in excess of this amount. See p. 106, *ante*; Beer, *Origins*, pp. 154-155, 158-160, 162-163.

will have benefit by it. It will be like the mathematician's notion, that could quiet the sea ten miles off, and was himself driven in by storm.

*Mr. Cheney:*²² In the year 1656 tobacco came to 190,000 *l. per ann.* It was then practised, and laid upon the first buyer. The foreign tobacco at 1 s. per pound, English plantation at 1 d. per pound, and after the landing; therefore no pretence of damage.

Sir Robert Howard: The addition upon beer and ale will come to 200,000 *l. per ann.*; on tobacco 80,000 *l.*; salts of all sorts 30,000 *l.*; linnen, lockerums, canvas, currants, 50,000 *l.*; drugs numerous, iron, 10,000 *l.*; sealed paper, 40,000 *l.*; sugar Brasil at 6 s. muscovado at 3 s. Barbadoes sugar 80,000 *l.* Customs shall be entire, and no more officers. Can easily make out 500,000 *l.* a year, and who shall be damnified? What he has said he will make good, and hopes it will be improved by some worthy member.

Sir Thomas Meres: This overdoes the work, and these things may be lowered by the merchant. These for five years will over-do the business.

*Mr. Gerroway:*²³ Must believe all these things when he can have no better light, and is ready, (only against sealed paper, which is not thoroughly debated yet) to give his vote for all the rest.

Sir John Duncombe: Would have Howard tell us how he can make his proposals good.

Sir Robert Howard: He will not expose himself to warrant what you will not accept of; but tell him which you will accept of, and he will give you good security for the rent. When you approve the clauses for the retailer, one act will serve for all.

Sir Thomas Meres: Would see these clauses in writing, and would let Howard have a time assigned him.

Sir Thomas Clifford: The thing and the sum is totally new. Many things in gross fall away in particulars. Would see, in a prospect, whether on retailer or custom-house.

Sir Robert Howard: Excepts the fishery entire, excepts all exportations, excepts the custom-house wholly, only on the retailer.

Sir Richard Temple: Would have Howard ordered to bring in a bill, with blanks.

Sir Robert Howard: Would not raise steps for others to go upon. If the House thinks this a reasonable revenue, he will serve the House; but if, by that day, the lords of the Treasury can bring in more, he will not hinder the king's revenue. (Grey, *Debates*, I. 277-279.)

[Nov. 7], HC. . . . They agreed on Friday last²⁴ to debate in order upon tobacco, forain silks and stuffs, forain linen and lace, forain salt, forain iron, forain woollen cloth, sugar, drugs, paper, spice, fruit: whether and what imposition they might beare, and in the meane time the members might have leisure to informe themselves. So yesterday²⁵ the committee enterd upon that debate, beginning with tobacco, which severall affirmed

²² Charles, representing Great Marlow.

²³ William, member for Chichester.

²⁴ Nov. 4. *C. J.*, IX. 160.

²⁵ This letter is dated Nov. 8.

might beare 6 *d.* a pound, so that it were not raisd by way of custome; others controverted it as usuall; but the discourses growing long and intangled, one of the members,²⁶ a person of good parts and equal confidence, rose up, and propounded and undertook to make it good, by as able security as any in England, to raise for the king 500,000 *li.* a yeare (if that rate of imposition and necessary clauses which he would offer might be accepted) upon the additional 15, etc. on beere and ale (without any charge on private houses) tabaco, forain silks and stuffs, forain linen, salt, iron, sugar, druggs, sealed paper, without any diminution to his Majesty's customes or excise as they now stand, and with allowance for exportations. His rates were, as in tobacco 3 *d.* a pound Virginia, 6 *d.* Spanish This motion seemed specious and welcome to the committee (Rev. Alexander B. Grosart, *Complete Works in Verse and Prose of Andrew Marvell, M. P.*, II. 337-338.)²⁷

Nov. 10, HL. The Bishop of Petriburg and the Bishop of Rochester are added to the committee for the bill to prevent burning of stacks of corn, and destroying of cattle. (*L. J.*, XII. 361.)

Nov. 12, HC.²⁸ Mr. Boscawen:²⁹ Barbadoes employs an hundred sail of ships, and by laying upon tobacco, you will destroy that plantation, and others, which take many commodities from us, as shoes, hats, etc.

Sir John Duncombe: The king has conferred with persons that will give money for several of our propositions. Would rather have but 3 *d.* a pound on it than destroy the trade.

Sir John Knight: If you put 6 *d.* upon it, it is six times as much as it is worth, considering the duty already paid; tobacco being often left at the custom-house already, rather than pay the duty.

Sir George Downing: 315,000 *l.* the highest that ever was in the book of rates, 'till 1660, and then raised to 400,000 *l.* Your navigation has increased upon it, and your trade. Diamonds rough, 200,000 *l.* the year, come into England; the grinders, who formerly were at Amsterdam, now the trade is at London, are gone from thence and Venice. Plantations do not only bring home and send abroad too, but vend your manufactures. Butter formerly, and cheese, went out without licence; but by free trade of it, it is worth 20 *s.* the firkin in the North, which was a Suffolk price, and they grown much into the trade. He says, lay what you will, it will prejudice the customs, and the farmer will not give. The first act of wine has had such an effect, that the abatement has been great by wine-licences, besides the king's customs, so that in fact that commodity falls. Two ways are proposed, first buyer, or retailer. If you will answer your end, you must moderate the book of rates, and lay all upon the excise, and the charge upon the first buyer will be taken for granted. It is of great con-

²⁶ Cf. remarks of Sir Robert Howard in preceding account of this debate.

²⁷ 1875. Marvell represented Hull in this Parliament; for an account of his parliamentary services, see Grosart's introduction, II. xxvii-xxxvii. This letter was addressed to the mayor and aldermen of Kingston-upon-Hull.

²⁸ "The House then resolved into a Committee of the whole House, to proceed in the further Consideration of his Majesty's Supply . . ." *C. J.*, IX. 163.

²⁹ There were two of this name: Edward, representing Truro, and Hugh, member for Tregony.

sequence that you lose not the plantation-trade. Does not say but the commodity may bear 2 *d.* Tobacco in leaf is better for foreigners. Great quantities of tobacco are planted in Holland. By wrapping it up in our leaf, they sell it for Spanish, and their own for Virginia. The common people love tobacco, as they do ale, which is the headiest. They send it to Muscovy, and northwards, wrapping it up in our Virginia leaves. 20 *l.* of tobacco easily stolen in seamens slops;⁸⁰ the reason why they wear them. You know the number of Holland fishermen and seamen, and it will be landed here, and carried away by such men, and so save the duty by importation. Besides, the Scotch have their spices out of Holland; they will be too at that pass for tobacco, that more [money] will come in at 2 *d.* than 3 *d.*

*Mr. Jones:*⁸¹ This commodity yields the king 100,000 *l.* *per ann.* Retailers of this are like apothecaries, they trade but for a little, and therefore they must get much. If the Londoner gets by the country chapman a farthing the pound, he thinks himself well, and, it may be, stays six months for his money. He that deals thus cannot stand, he must break. Most part of the corporations of England do subsist by this trade of tobacco, what in tap-houses, and strong-water shops; the greatest part of the fleet depends upon it; they will think the custom and excise worth venturing, and they will steal. If they be but clear from discovery once in four times, they are gainers.

Sir Robert Howard: The customs will not sink, and he will make it good they shall not. If any of the king's ministers will make more of it, let them.

Mr. Henry Coventry: Making good what he has spoken of. It is not farming here, now no sum set by Parliament. A great sum of money was lent to the Chamber of St George at Genoa;⁸² both those that lent it, and their heirs, have governed Genoa by it ever since. Let us give frankly and freely what we do.

Sir Robert Howard: Knows not what St. George's Chamber is, but would sooner be the Dragon, than do any thing unworthy in this business.

*Mr. Vaughan:*⁸³ You may make a penalty upon stealing the great argument, and may prevent it by laying it severe.

Sir Thomas Osborne: Something of this has been formerly observed in point of trade. The buyer is to pay the moiety, and so it signifies nothing in frightening people away from our ports, as it has been in wine.

Mr. [Arthur] Spry: The trade of tobacco could not have been continued, if tobacco had not been spent; all the king's revenue is laid on what is here consumed. The commodity may bear 3 *d.*—king's custom

⁸⁰ Loose trousers worn by sailors.

⁸¹ John, of London, and Thomas, of Shrewsbury, sat in this Parliament.

⁸² The Bank of St. George was a joint-stock corporation with transferable shares, whose owners were liable only to the amount of their shares. For its history, see J. Theodore Bent, *Genoa*, ch. XI.

⁸³ Besides Sir Henry, representing Carmarthenshire, in Wales, there were at this time in the House of Commons, John, also of Carmarthen, Edward, of Cardiganshire, Wales, and Roger, member for the city of Hereford.

2 *d.*, the planter 1 *d.* In their country they pay 12 *d.* for that will cost but 4 *d.* per pound. (Grey, *Debates*, I. 285-287.)³⁴

Nov. 18, HL. A message was brought from the House of Commons, by Sir Robert Howard and others:

To put their Lordships in remembrance of certain public bills, formerly brought up from the House of Commons; (*videlicet*,)

3. The bill to prevent the stealing, and so transporting, of children. (*L. J.*, XII. 367.)

Nov. 19, HC. Ordered, that the farmers and officers of his Majesty's customs, do send into this House an account of what quantities of the commodities hereafter mentioned have been imported, and what monies have been raised thereupon, for three years last past, on Tuesday morning next: *viz.* Tobacco. Sugar.³⁵ (*C. J.*, IX. 167.)

Nov. 21, HL. Ordered, that the bill against destroying of cattle, etc., be reported to-morrow morning, the first business. (*L. J.*, XII. 369.)

Nov. 22, HL. The Earl of Anglesey reported, that the committee have considered the bill to prevent the malicious destroying of cattle, etc.; and do think it fit to pass, with some amendments.

Which being read twice;

The question being put, whether to agree to these amendments?

It was resolved in the affirmative.

Hodie 3a vice lecta est billa, An act to prevent the malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle.

The question being put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons,³⁶ by Sir William Child and Sir John Coell:

To return these two bills following, wherein the Lords have made some amendments, and desire the concurrence of the House of Commons thereunto:

2. The bill to prevent the malicious burning of houses, etc. (*Ibid.*, p. 370.)

Nov. 26, HC. Mr. Seamour reports from the committee of the whole House, for his Majesty's supply, several votes of the committee, for an imposition on several goods and commodities: which he read in his place;

³⁴ Andrew Marvell wrote Nov. 15 to the mayor and aldermen of Kingston-upon-Hull: "The Committee of the whole House sit dayly in debate of the impositions on forain Commodities, upon Tobacco, as I thinke I told you before, of the Plantations 3 *d.* the pound, Spanish, 6 *d.* Thus farre the Committee has proceeded, and will still goe on upon the proposalls which are before them, which are on iron the tun 20 *s.* on Sugars, Muscovados of Brasile, ob [or] other Brasile Sugar, 3 *d.* Muscovados of the Plantations, 1/4 *d.* other Plantation sugar, 2 *d.* the pound This is as I take it all yet before the Committee, who will go on to debate whether these rates respectively be proper to be imposed" Grosart, *Andrew Marvell*, II. 341-342.

³⁵ Imports of tobacco for the year ending Sept. 29, 1669, amounted to 9,026,046 lbs.; brown sugar, 166,776 cwt.; white sugar, 23,720 cwt. Beer, *Old Colonial System*, pt. I., vol. I., p. 40 n.

³⁶ *C. J.*, IX. 168.

and after delivered the same in at the clerk's table: which report was read; and is as followeth;

That, towards the king's supply, there be an additional duty laid upon tobacco, of the English plantations, not exceeding three-pence per pound; and upon all other tobacco, six-pence per pound; to be paid by the first buyer. . . .

That, towards his Majesty's supply, muscavado sugar, of Brazele, be charged at one halfpeny per pound weight: to be paid by the first buyer:

On panellis sugars, one halfpeny per pound weight; to be paid by the first buyer:

On all other foreign white powder-sugar, two-pence per pound weight; to be paid by the first buyer:

On all other foreign sugar, in the loaf, imported, three-pence per pound; to be paid by the first buyer:

On muscavadoe sugars, of the English plantations, one farthing per pound; to be paid by the first buyer:

On all white sugar, of the English plantations, one peny per pound; to be paid by the first buyer.

That the sugars, imported from the English plantations, shall have the duty repaid upon the exportation:

That all sugar, manufactured into loaf-sugar, shall have three farthings per pound rebated, upon exportation. . . .

The first vote of the committee, for an imposition on tobacco, was read the second time; and debated.

Resolved, etc., that this House doth agree with the committee, that there be an additional duty laid upon tobacco of the English plantations, not exceeding three-pence per pound; and upon all other tobacco six-pence per pound; to be paid by the first buyer. . . .

Resolved, etc., that these several votes be extended to Ireland as well as England.

Resolved, that it be referred to Sir Thomas Clifford, Sir Robert Howard, Mr. Spry, Mr. Jollyffe, Sir John Knight, Sir Geo. Downing, Sir Thom. Lee, Sir Thom. Meeres, Sir Charles Harbord, Mr. Seymour, Sir Will. Coventry, Col. Birch, Sir Will. Lowther, Sir Thom. Littleton, Mr. Lowe, Mr. Garraway, Sir John Birkenhead, or any three of them, to inspect the accounts delivered in from the farmers and officers of the customs; and to prepare an estimate how far the said rates on the particulars will extend towards his Majesty's supply: and they are to meet at four of the clock. (*C. J.*, IX. 171-172.)

Nov. 26, HC. (Report from a committee of supply.) The great dispute was concerning the pouer of charging Ireland by the parliament of England.

I. It was said we have the same pouer to charge Ireland that we have of other plantacions. . . .

To this it was answered.

That Ireland was not a plantacion but a distinct kingdome, governed by lawes and parliaments of its owne. That it seemeth inconsistent with the nature of a government by kings lords and Commons to be charged

by any other power then the parliament of that kingdome they having no representatives in this.

That we do not yet offer to tax our plantacions which is in kindnesse to them, that they may grow up and thrive under them, and certainly Ireland is more to be cherishd in all respects then either of them. (Add. MSS. 22467, ff. 29-29 b.)⁸⁷

Nov. 28, HC. The House then proceeded on the report, returned in from the committee of the whole House, for his Majesty's supply. . . .

Resolved, etc., that this House doth agree with the committee, that, towards his Majesty's supply, muscavado⁸⁸ sugars of Brazile be charged at one half-peny per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, that, towards his Majesty's supply, pannellis⁸⁹ sugars be charged at a half-peny per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, that all other foreign white powder sugar be charged at one peny per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, all other foreign sugar, in the loaf, imported, three pence per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, that muscavado sugars of the English plantations, imported, be charged at a farthing per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, that all white sugar of the English plantations, be charged with one peny per pound; to be paid by the first buyer.

Resolved, etc., that this House doth agree with the committee, that the sugars imported from the English plantations, shall have the duty rebated, upon exportation.

Resolved, etc., that this House doth agree with the committee, that all sugar manufactured, into loaf sugar, shall have three farthings per pound rebated, upon exportation.

Resolved, etc., that all commodities that have any imposition on them, shall, on the exportation, have a rebate. . . . (*C. J.*, IX. 172-173.)

Nov. 28, HC. *Sir Thomas Clifford*: Four and a half per cent. is a duty given the king by the parliament of Barbadoes; a moiety whereof is laid apart for Sir Tobias Bridges's regiment, which is upon the island;⁴⁰ the other part is in the governor's hand, to pay the ships they pressed. The plantations brought this to the council of trade, to have ease, saying, "that at the utmost it was not above 4000 *l.* *per ann.* and they would give it the king another way"; but the council contracted for 7000 *l.*

⁸⁷ "Journals kept in the House of Commons, 1670-1673, by Sir Edward Dering, second baronet." *Cat. Add. MSS.*, 1854-1860, p. 646.

⁸⁸ See p. 134, note 120.

⁸⁹ See p. 134, note 121.

⁴⁰ Passed by the assembly of Barbados, Sept. 12, 1663 (*Cal St. P. Col.*, 1661-1668, pp. 162-163). In October, 1670, the king was petitioned to disband Bridge's regiment, as being a great charge and of little use in time of peace. This was ordered the following March. *Id.*, 1669-1674, pp. 116-117, 175.

per ann. for seven years, and so they offered the gentlemen complainers, and thus the king is possessed of it.

Sir Richard Temple: Considering the trade in general, we ought to encourage it, and it may bring in much money, and keep out all foreign sugars; the Barbadoes sugars, with that burden, will beat out Portugal sugars.⁴¹ If you lay upon consumption of Brasil sugars here, they will upon your cloths there; your export being greater there than your import, besides bullion brought in. Would have Barbadoes therefore as high as Portugal.

Sir John Knight: Would not have Barbadoes get the refining way of sugar, and spoil ours. Would encourage the Portugal, and would have the duty but a penny per pound.

*Colonel Stroude:*⁴² Portugal lays great duty upon our commodities. In lieu of 40 *l.* per head for the planter, who had no title but from the king, this four and a half per cent. was laid; and when the Dutch war was, the king protected them.

Sir Charles Harbord: Love⁴³ says, "that the 40 *l.* a-head is but 40 pound of sugar, not sterling"; laying it higher will make the Portuguese do so too. Would not have it charged.

Resolved, that a penny per pound be laid on foreign white sugar, three-pence in the loaf, and a farthing on muscavado, of the English plantations.

Colonel Stroude: In Brasil, sugars cost not near so much as in our plantations, most works being for natives that work for nothing. Would not have our plantations equal to foreigners.

Sir George Downing: If you make distinctions of things that the book of rates does not, you occasion suits at law at the custom-house.

Sir Thomas Clarges: Four and a half per cent. has lost St Christopher's and Surinam, and thus you will lose Barbadoes: 400 sail were employed, and from 12,000 families, there are but 7000 left. Would have but a half-penny.

Colonel [John] Birch: Your interest must lie to have your sugars come home unpurged, for by it you employ double navigation.

*Mr. Attorney Finch:*⁴⁴ The grant of four and a half per cent. is a tribute paid, in consideration of a free grant of their titles from the king by their Parliament. You cannot alter this four and a half, unless you restore the king to his title again, and that will create disorder sufficient.

Five shillings per cent. were laid on foreign plantation sugar.⁴⁵ (Grey, *Debates*, I. 312-313.)

⁴¹ On Dec. 14 Sir Peter Colleton and other planters in London wrote to the governor, council, and assembly of Barbados: "Parliament is now laying a very heavy imposition on sugars, which is like to put the rates in favour of Portugal and the refiners of England, which the writers are labouring to withstand" (*Cal. St. P. Col.*, 1669-1674, p. 141). On Apr. 20, 1671, the assembly thanked the writers for their endeavors to prevent the new impost on sugar and urged them to continue the opposition, but if the new tax could not be prevented they should work to have it doubled on foreign sugars. *Ibid.*, p. 200.

⁴² Sir William, representing Plymouth Earl.

⁴³ Alderman William Love, of London, was a member of this Parliament.

⁴⁴ Sir Heneage Finch, attorney general.

⁴⁵ On the sugar industry at this time, as affecting England and the colonies, see Beer, *Old Colonial System*, pt. I., vol. I., pp. 148-160; Ellis, *Introduction to the History of Sugar as a Commodity*, pp. 94-110; also references to the controversy, pp. 367, 368, *ante*.

Dec. 10, HC. Amendments, sent from the Lords, to the bill to prevent malicious burning of houses, stacks of corn and hay, and killing or maiming of cattle, were twice read; and, upon the question, severally agreed.

Resolved, etc., that the amendments be inserted; and that the amendments be read a third time. (*C. J.*, IX. 181.)

Dec. 14, HC. Amendments, sent from the Lords, to the bill against maiming cattle, and malicious burning of houses, and stacks of corn and hay, were read a third time.

Ordered, that the bill be returned to the Lords.⁴⁶ (*Ibid.*, p. 183.)

1670/1.

Jan. 4, HC. A bill for an excise upon several foreign and other commodities therein mentioned, towards his Majesty's supply, was read.

Resolved, etc., that this bill be read a second time to-morrow seven-night.⁴⁷ (*Ibid.*, p. 187.)

Mar. 2, HC. The bill of additional impositions on foreign commodities was read the second time.

Resolved, that the opening thereof, by the Speaker, be adjourned till to-morrow morning, ten of the clock. (*Ibid.*, p. 211.)

Mar. 3, HC. The bill, of additional impositions upon foreign commodities, being opened by Mr. Speaker,⁴⁸ and debated;

Resolved, etc., that the said bill be committed to a committee of the whole House, upon the debate; and that the House resolve into a committee thereupon to-morrow morning, at ten of the clock. (*Ibid.*, p. 212.)

Mar. 4, HC. The House then reassumed the debate of the bill, for an excise on foreign commodities.

And a petition being tendered, on the behalf of the refiners of sugar in England, and read;

Another petition of divers persons concerned in his Majesty's sugar plantations, on the behalf of themselves and their brother planters, was read:

Resolved, etc., that the petition of the refiners and planters be referred to the committee of the whole House, to take the matter of the petitions into consideration; and to hear the petitioners, or some on their behalf, and on the behalf of other persons concerned, if they find cause. . . . (*Ibid.*, p. 213.)

Mar. 4, HC. A bill for preventing the planting of tobacco in England, and regulating the plantations, was read the first time.

⁴⁶ Dec. 20; *L. J.*, XII. 394. The royal assent was given Mar. 6, 1670/1. *Ibid.*, p. 446.

⁴⁷ This bill provided, *inter alia*, for new duties on tobacco and sugar. Though passed by the Commons in the face of numerous protests, the Lords, chiefly because of the opposition to the proposed new taxes on sugar, failed to accept it. The controversy was kept alive during the succeeding years, but it was not until 1685 that Parliament granted additional duties on these commodities. (*Hist. MSS. Comm.*, *Ninth Rept.*, pt. II., App., pp. 8-9, 10-15; Beer, *Old Colonial System*, pt. I., vol. I., pp. 148-160.) The substance of this bill is fully given in *Hist. MSS. Comm.*, *Ninth Rept.*, pt. II., App., pp. 8-9.

⁴⁸ Sir Edward Turner.

Resolved, etc., that the said bill be read a second time.⁴⁹ (*Ibid.*)

[*Mar. 4 ?*],⁵⁰ HC. The petition of the refiners of sugar was presented by Mr. Love,⁵¹ signed by no hand, which, Love said, he thought not necessary, because they were not a corporation, but the persons concerned were at the door.

Sir Robert Howard: If you hear the refiners, you must also hear the planters, the business of the plantations being highly concerned in it.

Mr. Love: It is essential to the liberties of the Commons to petition, and for us to receive them; he has got hands to the petition.

Sir Wm. Coventry: Has communicated some things of the debate of the House, for which, if faulty, he asks pardon. He serves for a fishing town,⁵² and has acquainted his corporation with the imposition upon salt, and thinks it his duty, unless checked from you. A petition is proper from the Commons, if they apprehend a grievance; those who represent them ought to deliver their grievances, with the reasons of them, and you usually appoint a committee to send for persons concerned. If their petition can make the House understand it, knows not why their representatives may not open the thing, and receive it by way of petition.

Sir Thomas Clifford: Small innovations have too often been earthquakes to shake the government. He is very tender of the consequence. It is not a petition against your tax, but the manner of it, and a committee of the whole House may enquire into the thing. Desires to be instructed by corporations, who he wishes would chuse men of parts; but it is more your right, and it is the greatest part of your preservation, to raise money. But should a quarter-sessions, or jury, petition against a tax, you would be ruined in your constitution, and it was never known that a petition against a tax was read. There is but one degree betwixt petitioning and

⁴⁹ 22 and 23 Car. II. c. 26 (*Statutes*, V. 747). Because the planting of tobacco, in spite of former laws, continued and increased, to the loss of the customs and the discouragement of the plantations, this act directed justices of the peace to issue warrants requiring constables and others to make return of what tobacco was planted, and by whom; and to make a presentment in writing and upon oath to the next quarter sessions. It empowered officers to pull up and destroy all plants other than those permitted to be grown for medicinal use.

This act also prohibited a number of commodities from being carried to Ireland from the plantations unless first landed in England. The Navigation Act of 1660 placed Irish trade with the colonies on the same footing with that of England. Although the act of 1663 stated that no commodities of the growth of Europe were to be exported direct to the plantations, except those laden or shipped in England, Wales, or Berwick-on-Tweed, horses, servants, and provisions from Ireland and Scotland were excepted. This present act stated that the intent of section 4 of the act of 1663 was to forbid direct intercourse between Ireland and the colonies, but that advantage had been taken of the failure expressly to repeal the word "Ireland" in section 19 of the act of 1660 to continue shipping there colonial products, sugar, tobacco, coffee, dyeing woods, ginger, etc. The duration of this act was limited to nine years. See Alice E. Murray, *History of the Commercial and Financial Relations between England and Ireland from the Period of the Restoration* (London, 1903), pp. 41-43; Beer, *Old Colonial System*, pt. I., vol. I., pp. 91 *et seq.*; G. F. Zook, "The Economic Relations of England and Ireland, 1660-1750", in *Hist. Outlook*, XIII. 238-239.

⁵⁰ Dated Mar. 1 in Grey. But the *Journals* make no mention of the sugar question on this day, and the proceedings here given agree with the action taken by the Commons on the fourth, as reported in the *Journals*.

⁵¹ William, of London.

⁵² Great Yarmouth.

commanding. Would have them heard at a committee, but would not be guided by petitions in your councils. He may probably speak out of his compass in trade, having no knowledge in it but what he has learned here. Would not receive the petition.

*Mr. Coleman.*⁵⁸ It is said there is a rule for receiving petitions; anciently there were tryers of petitions, to see if they were modest and not seditious. No grievance but there is a person to represent the place. Is it reasonable to say, "Stay till we have a law, and then petition?" This petition moves not to take off the tax, but offers you instructions towards your law; when you have heard it, you may reject it; but read it.

Sir Richard Temple: Would be resolved, whether a committee can receive petitions without the leave of the House? The committee of the whole House cannot, without leave of the House, receive petitions, as other committees may do. You are not to disclose debates, but resolutions may be committed to the Journals, to which any man may have recourse. It is a man's duty to receive information from his corporation, and to communicate resolutions of the House to them. If this petition be against the tax, it ought to be rejected. In general aids you cannot receive petitions, but where persons are particularly concerned, you may hear them, by enabling the committee of the whole House; and it is all one whether by petition, or no. Anciently some counties have petitioned that they have been impoverished by reason of the Scotch invasions; they have been heard, because a special occasion.

Sir John Birkenhead: The great reason why you have representatives is, because your people in numbers should not disturb the councils; you yourselves are the petitioners. A bill is *supplex libellus*, a petition.

Sir Robert Howard: Moves to hear both the planters and sugar-bakers at the committee. . . . (Grey, *Debates*, I. 401-403.)

Mar. 6, HC. Resolved, etc., that the House will to-morrow, at nine of the clock, resolve into a committee of the whole House, to proceed on the bill of excise on foreign commodities; and rise punctually at twelve of the clock. (*C. J.*, IX. 214.)

Mar. 7, HC. A bill to prevent the planting tobacco in England and Ireland, and for encouragement of the English plantations, was read the second time.

Resolved, etc., that the debate of this bill be adjourned to Friday morning. (*Ibid.*)

Mar. 7, HC. Ordered, that it be an instruction to the committee of the whole House, to whom the bill, concerning impositions upon foreign commodities is committed, to hear the Virginia merchants, by themselves or counsel, as to the rate to be laid upon tobacco of the English plantations.

The House then resolved into a committee of the whole House, upon the bill for an additional imposition on foreign commodities.

Mr. Speaker left the chair.

Mr. Seymour took the chair of the committee.

Mr. Speaker resumed the chair.

⁵⁸ Richard, recorder of Salisbury.

Mr. Seymour reports from the said committee, that they had made some progress in the consideration of the said bill; and humbly moved, from the said committee, that the House would resolve into a committee of the whole House, on Thursday morning next, to proceed in the further consideration thereof.

Resolved, etc., that the House will resolve into a committee of the whole House, on Thursday morning next, to proceed in the further consideration of the bill for an additional imposition on foreign commodities. (*Ibid.*, p. 215.)

Mar. 7, HC. Tuesday, Shrovetuesday. We entred upon the bill for foraigne exiese and Mr. Seymour being in the chair of the committee, the first particular we entred upon (having postpond the preamble and the next clause which had a blank for the time from which the bill should begin, and when it should end) was spanish tobacco which stood in the bill six pence per pound new duty, which the committee reduced to fower pence. Then of Vi[r]ginia and other tobacco of the English plantacions, which stood at 3 *d.* per pound, and the debate run altogether whether we should reduce it to twopence or to a penny, and the major part of the house seemd to be for a penny: but Mr. Treasurer⁵⁴ standing up and pressinge for 2 *d.*: and Sir George Downing for a penny, when the question was going to be put Coll: Birch moved for three halfe pence, which being seconded by Sir Thomas Meeres, two pence was no longer inested upon, and the question for 3 halfe pence was put and carried. Memd. a question being asked whether we could heare the Virginia merchants there at the door against this imposition, it was agreed by all that we being now in a grand comittee of the house could not call any persons in, nor receive any petitions or papers, but such as had been ordered by the house to be received. Then Sir Wm. Thompson stood up and declared there was an order of the house to heare the Virginia merchants and made upon his mocion, so we searcht the bookes and could find no such order. Then he averrd he had read it in the minuts and it was the clerkes fault he had left it out in the order: then a dispute arose concerning the authority of the minuts and some said what was there was an order, and Sir Job Charlton and others demed those notes to have the force of orders. However to satisfy ourselves and in respect to the member affirming it, we did search the minuts, and there no such thing did appeare as he affirmd, only some generall words at the end of the order, which we did all take to concerne only the planters of sugar not those of tobacco:⁵⁵ so that to end the matter, we desired the Speaker to take the chaire, and that Mr. Seymour should desire the house to give the grand comittee leave to heare the merchants concernd in the Virginia trade. Which being ashd [askd] by Mr. Seymour in the name of the committee, and graunted the Speaker immediatly left the chaire and Mr. Seymour tooke it, and the merchants were calld in, and heard. Memd. they were heard by Mr. Offley⁵⁶ and another which they had retained as their counsell, which

⁵⁴ Sir Thomas Clifford, treasurer of the household.

⁵⁵ Cf. account taken from Grey, under date of Mar. 4.

⁵⁶ The name of Robert Offley appears frequently as counsel in the records of this period; see, e.g., the index to *Cal. Treas. Books*, 1669-1672.

seemd extraordinary and is new, to heare counsell only of one side, no partie concernd to oppose or answer them, and no point of law at all in the case. And indeed they said nothing which every member of the house did not know before, and which had been said over and over in the house. Memd. it was said by Mr. Jones⁵⁷ that if a paire of shoes of 2 s. or halfe a crowne be carried out of England into Virginia, the returne for that into England is thirty pound of tobacco, which payeth 5 s. allready to the king by the duty of 2 d. per pound allready imposed, which sheweth the vast advantage we have by that trade the customes of this only commodity bringing to the king yearly above 80,000 l. (Add. MSS. 22467, ff. 91-92.)⁵⁸

Mar. 9, HC. The House then resolved into a committee of the whole House, upon the bill of additional impositions on several foreign commodities.

Mr. Speaker left the chair.

Mr. Seymour took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Seymour reports from the said committee, that they had made some further progress in the said bill; and humbly moved, from the said committee, that the House would resolve into a committee of the whole House, to-morrow morning, to proceed in the further consideration thereof.

Resolved, etc., that this House doth agree with the committee, that the House be resolved into a committee of the whole House, to-morrow morning, to proceed in the further consideration of the additional bill of excise on foreign commodities.⁵⁹ (C. J., IX. 216.)

Mar. 9, HC. The house sate forenoon and afternoon and soon after their sitting turnd into a grand committee to proceed upon the bill of foraign commodities. And voted very many of them; the chefe debate was upon sugar, which is setled at a farthing per pound on browne sugar of our owne plantacions, and a penny upon whites both our owne and portugals. (Add. MSS. 22467, f. 92.)

Mar. 10, HC. The House resumed the adjourned debate of the bill to prevent the planting tobacco in England and Ireland, and for encouragement of the English plantations.

Which being debated;

Resolved, etc., that the bill to prevent the planting of tobacco in England, and for regulating the plantation trade, be committed to Mr. Hobby, Sir John Talbot, Sir Robert Howard, Lord St. John, Sir John Duncombe, Mr. Finch, Sir Geo. Downing, Sir John Earnely, Sir Humph. Winch, Sir Trevor Williams, Col. Kirby, Sir John Newton, Sir Will. Bucknall, Mr. Sprye, Mr. Rouse, Col. Williams, Mr. Love, Mr. Garraway, Dr.

⁵⁷ John represented London, and Thomas, Shrewsbury.

⁵⁸ See p. 368, note 37, *ante*. In a letter of this date, Marvell wrote: "We are now proceeding on the Bill of forain Commodities, to be paid at the Custome House in three moneths. To-day whereas it was 6 d. we have at the Committee voted 4 d. on Spanish Tobacco, and instead of 3 d. on Virginia three halfe-pence." Grosart, *Andrew Marvell*, I. 378.

⁵⁹ Accounts, in this same form, of the sittings of this committee are given in the *Journals*, under dates of Mar. 10, 11, 13, 15, 16, 17 (pp. 216, 217, 218, 220).

Burwell, Sir John Coriton, Sir Robert Holt, Mr. Seymour, Sir Anthony Irby, Col. Strode, Sir John Cotton, Lord Allington, Col. Reames, Sir William Lowther, Sir John Moreton, Sir Thomas Lee, Sir Winston Churchill, Sir Jonath. Trelawny, Sir Solomon Swale, Mr. Ford, Sir Philip Mounckton: and all that shall come are to have voices: and they are to consider of the debates of the House; and to meet on Monday next, at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*C. J.*, IX. 216.)

Mar. 11, HL. Ordered, that the committee for the bill to prevent taking up of children by spirits, etc., do meet on Tuesday morning next; and the Earl of Sandwich is added to that committee.⁶⁰ (*L. J.*, XII. 453.)

Mar. 13, HC. Resolved, etc., that the committee to which the bill against planting tobacco in England, which was to sit this afternoon, be adjourned; and do sit to-morrow in the afternoon. (*C. J.*, IX. 218.)

Mar. 14, HC. Ordered, that the committee to which the bill to prevent the planting tobacco in England, . . . , be revived; and do sit to-morrow, at two of the clock in the afternoon. (*Ibid.*, p. 219.)

Mar. 15, HL. Ordered, that the bill against taking up of children is re-committed; and the Lord Powis and the Lord Hatton are added to the said committee. (*L. J.*, XII. 458.)

Mar. 18, HL. The Earl of Sandwich reported, that the committee have considered the bill to prevent stealing and transporting children and others, and have made some amendments therein.

Which being read twice, and the blanks being filled up with penalties, were agreed to.

Hodie 3a vice lecta est billa, An act to prevent stealing and transporting children and others.

The question being put, whether this bill, with the amendments and additions now read, shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 462.)

Mar. 18, HC. The House then proceeded in the second reading, and debate of the amendments to the bill for an imposition on foreign commodities; and went through and agreed, all the amendments to the additional clauses. (*C. J.*, IX. 221.)

Mar. 18, HC. The House proceeded to the second reading and debate of the clauses, to be made part of the bill of impositions on foreign commodities:

And the first, for collecting the duties at the custom-house; and the second, to discourage the bringing in foreign commodities; were, with some amendments, upon the question, agreed, and made at the table, were severally, upon the question, agreed to be made part of the bill⁶¹

Resolved, etc., that the House will, on Monday morning next, proceed in the amendments as to the clauses, to be added to the bill for an additional imposition on foreign commodities. (*Ibid.*)

⁶⁰ This bill was committed Mar. 26, 1670; see pp. 357, 360, *ante*. "Spirits" was the cant name of the period for kidnappers.

⁶¹ The third clause, to encourage the exportation of corn in English shipping, was likewise agreed to.

Mar. 20, HC. The House then proceeded on the clauses to be added to the bill for an imposition on foreign commodities. . . .⁶²

Resolved, etc., that the bill, with the amendments, provisoes, and clauses agreed to, be ingrossed. (*Ibid.*, p. 222.)

Mar. 22, HC. Ordered, that the ingrossed bill for laying an additional imposition on several foreign commodities, be read to-morrow morning. (*Ibid.*, p. 223.)

Mar. 23, HC. Ordered, that the report of the bill to prohibit the planting tobacco in England, be heard to-morrow morning. (*Ibid.*)

Mar. 23, HC. The ingrossed bill, for an additional imposition upon several commodities therein mentioned, was read. (*Ibid.*)

Mar. 23, HC. The House then proceeded on the debate of the bill for an imposition on foreign commodities.

And some amendments were agreed, and made thereto at the table.

Resolved, etc., that the debate of the bill, for an imposition on foreign commodities, be adjourned till three of the clock in the afternoon. (*Ibid.*)

Mar. 23, HC. The House resumed the debate of the bill for an imposition on several foreign commodities.

And some amendments were agreed, and made thereto at the table. . . .⁶³

A clause for recompensing his Majesty for the duty upon brandy imported, taken away by the prohibition thereof in this bill, was read the first time.

Resolved, etc., that the debate thereof be adjourned till to-morrow morning, nine of the clock. (*Ibid.*)

Mar. 24, HC. . . . Resolved, etc., that the bill do pass: and that the title be, An act for an additional imposition on several foreign commodities; and for the encouragement of several commodities and manufactures of this kingdom: and Sir Robert Howard is to carry up the bill to the Lords.⁶⁴ (*Ibid.*, p. 224.)

Mar. 24, HC. Ordered, that the report of the bill, to prevent the planting tobacco in England, be heard on Tuesday, the first business.⁶⁵ (*Ibid.*)

1671.

Mar. 27, HC. Sir George Downing reports from the committee, to whom the bill for preventing the planting tobacco in England, etc., was committed, several amendments, alterations, and additions, agreed to by the committee, to be made to the said bill: which he read in his place; and after, delivered the same in at the clerk's table: which, being twice read, were, upon the question, severally agreed unto.

⁶² Clauses concerning the exportation of coals, the search for prohibited goods, and the exportation of corn were agreed to, and there was debate on the question of prohibiting the importation of all sorts of aqua vitae, brandy, wine, or strong waters.

⁶³ A proviso was accepted, for preventing the defrauding of the customs in several commodities of small bulk and for preventing the exportation of wool. The following clause, concerning brandy, was debated and agreed to on the following day, before the passage of the bill.

⁶⁴ Received Mar. 27; *L. J.*, XII. 470.

⁶⁵ The report was made on Monday.

A clause, for making the bill temporary, was tendered; and read the first and second time; and agreed to.

Resolved, etc., that the said bill, with the amendments, be ingrossed. (*Ibid.*)

Mar. 28, HL. *Hodie 1a vice lecta est billa*, An act for an additional imposition on several foreign commodities, and for encouragement of several commodities and manufactures of this kingdom. (*L. J.*, XII. 471.)

Mar. 29, HL. *Hodie 2a vice lecta est billa*, An act for an additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom.

Ordered, that the consideration of this bill is committed to these Lords following: Marq. Dorchester, L. Great Chamberlain,⁶⁶ L. Steward,⁶⁷ L. Chamberlain,⁶⁸ Comes Derby, Comes Bedford, Comes Dorsett, Comes Bridgwater, Comes North'ton, Comes Clare, Comes Berks, Comes Dover, Comes Strafford, Comes Scarsdale, Comes Sandwich, Comes Essex, Comes Anglesey, Comes Carlile, Comes Craven, Comes Aylisbury, *Vicecomes* de Stafford, *Vicecomes* Fauconberg, *Vicecomes* Hallyfax, Arch. Cant., Arch. Eborac., *Epus.* Winton., *Epus.* Ely, *Epus.* Sarum, *Epus.* Petriburgh, *Epus.* Rochester, *Ds.* Awdley, *Ds.* Eure, *Ds.* Wharton, *Ds.* Willoughby, *Ds.* Chandos, *Ds.* Arundell, *Ds.* Coventry, *Ds.* Howard Esc., *Ds.* Powis, *Ds.* Newport, *Ds.* Hatton, *Ds.* Byron, *Ds.* Colepeper, *Ds.* Lucas, *Ds.* Holles, *Ds.* Delamer, *Ds.* Townsend, *Ds.* Ashley, *Ds.* Howard de Castle Rysing.

Their Lordships, or any seven of them; to meet this afternoon, at three of the clock, in the Prince's Lodgings; and to take into special consideration the clause inserted into the said bill concerning brandy, whether it be not the same with the bill concerning brandy which is now depending between the two Houses; and to consider of the ill consequence of such proceedings in Parliament: ⁶⁹ their Lordships are also to consider of what petitions are now offered to the House; and have power to receive any other petitions relating to the said bill, and to hear all parties concerned, and make report thereof to the House. (*Ibid.*, p. 472.)

Mar. 29,⁷⁰ HL. To the Right Honourable the Lords Spirituall and Temporall in Parliament assembled.

⁶⁶ Robert, Earl of Lindsey.

⁶⁷ James, Duke of Ormonde.

⁶⁸ Henry, Earl of St. Albans.

⁶⁹ On Apr. 9, 1670, the Commons passed a bill to prevent the importation of foreign brandy and to give a recompense to his Majesty for his duty thereupon. The amendments by the Lords were rejected because they placed an imposition on the people, which the House of Commons considered a breach of its privilege. The Lords now referred to the committee on privileges the consideration of the proceeding of inserting in this bill the clause concerning brandy. Mar. 30 this committee reported two material precedents, and the House concurred in their report that the proceeding of the Commons was "unparliamentary, and of dangerous consequence". The dispute over the right of the Lords to amend money bills was carried into the conferences between the two Houses on the commodity bill. *C. J.*, IX., 156, 224; *L. J.*, XII. 472, 473; pp. 382-396, *post*.

⁷⁰ The petitions here given were presented on this day and read, in committee on the following day. Hist. MSS. Comm., *Ninth Rept.*, pt. II., App., pp. 11-13.

The humble petition of Sir Peter Colliton, Henry Drax, Thomas Middleton, and Ferdinando George on behalfe of themselves and the rest of the planters of his Majesties sugar plantations in America ⁷¹

Sheweth that your petitioners being informed that there is a bill now depending before your Lordships whereby among other things there is a greater imposition, considering their value, layd upon the sugars of the English plantations then there is upon forraigne; and four times as much upon whites, as upon browne, the which if by your Lordships favour not moderated, will as appeares by the reasons annexed,⁷² which your petitioners are ready to make good, inevitably prevent the further manufacture of sugars in the said English plantations; occasion the absolute losse of the sugar collonies; prove greatly destructive to navigacion and the trade of the kingdome.

Wherefore in all humility your petitioners take leave, the premisses considered, humbly to beseech your Lordships favour to take the case into your serious consideration, and give them such releife that the plantations may not be destroyed, which if they should be, will not only ruine your petitioners and their families but prove a losse of above eight hundred thousand pounds per annum to this kingdom besides the employment for between three and four hundred saile of ships and tenn thousand seamen yearly.

And your petitioners as in duty bound shall pray etc.⁷³ P. COLLETON, HEN. DRAX (MSS. H. of L.)

⁷¹ This committee acted as the ordinary colonial agent for Barbados. Edward Thornburgh was secretary and legal adviser. Funds, which this year included about £100 for entertaining members of Parliament, were supplied by the colonial assembly. There are numerous letters between the latter and the committee in *Cal. St. P. Col.*, 1669-1674. On May 1 the committee wrote that, "knowing the Lords to be unconcerned and of more discerning judgment than the generality of the Commons", they put in their addresses, which had previously been presented to the latter House (see pp. 369, note 41, 370, 371, *ante*), to the former. *Cal. St. P. Col.*, 1669-1674, pp. 213-214.

⁷² "The state of the Case of the Sugar Plantations in America", calendared in *Cal. St. P. Col.*, 1669-1674, pp. 214-216, and in *Hist. MSS. Comm., Ninth Rept.*, pt. II., App., p. 11. It is here stated that in 1666 England possessed Barbados, the better half of St. Christopher, Nevis, Montserrat, Antigua, and Surinam, which employed annually 400 ships, with 10,000 seamen, and furnished a native commodity of over £800,000 value per annum to the nation; that the French made sugar in St. Christopher, Martinique, and Guadeloupe, and in 1666 took from the English St. Christopher, Antigua, and Montserrat, with 15,000 negroes, and materials for 150 sugar works; that by reason of the increased production of French sugar and the high duties levied in France on foreign products, English sugars were no longer sold there; that great quantities of foreign sugars are imported into England, so there is little profit to the planters, who will be forced either to quit the trade or go to the French and other plantations, as 1600 have done within the past year, from Barbados. Concerning the state of the sugar trade with Portugal, it is set forth that the planter of Brazil can produce sugar 30 per cent. cheaper than the English planter; that if foreign sugars were charged twice as much as English it would increase the balance of trade with Portugal in favor of England; that sugars bought in Portugal for the English market are the very best made in Brazil, and are sold at £3 and more per hundred, whereas the English product, being confined to England, is sold for 45 s.; so that if one penny per lb. be laid on English as well as foreign sugar, the former would be charged in excess of 35 per cent. more than the Portugal sugar. Stating the case between the English sugar plantations and the refiners, it is shown that the planters turn all the sugar sent to England into white, and that two pounds of brown will make one of white; that if white plantation sugar be taxed one penny, and brown a farthing, the refiner could supply white sugar at a half-penny per pound less than the planter, and thus the planters would be driven from the white sugar trade and be at the mercy of the refiners in disposing of their brown sugar.

⁷³ Before the committee, Mar. 30, Colleton stated that the sugar trade was sinking under the impositions laid, and that the proportion between white and brown products

Mar. 29, HL. To the Right Honourable the Lords Spirituall and Temporall assembled in Parliament.

The humble petition of the merchants owners of shipping and marriners trading to his Majesties sugar plantations in America

Humbly sheweth that the practice of all trading nations and more espetially of this kingdome hath ever beene to augment and encourage navigation, and that a great part of the shipping of this kingdome doth now depend upon the trade of the said plantations.

That your petitioners doe most humbly conceive that it is the interest of all princes and states to advance the mother kingdome primarily and principally, and in all consultations of trade to promote the same and by all imaginable ways and means to encourage productions abroad and manufactures at home, and most certaine it is that the navigation of sugar plantations depends chiefly upon browne unpurged sugar, and the sugar manufacture of this kingdome doth altogether subsist upon the importing of the said browne sugar.

And may it please your honours, besides the two sorts of unpurged browne sugar and white sugars there are alsoe imported from the plantations a middle sort of claid sugar in much greater quantitys than whites, whose values are to unpurged browne sugar above four to one the white and above three to one the middle claid sort, as is more fully set forth and demonstrated in the paper and accompt annexed.⁷⁴

That the duty of a farthing per pound intended to be laid upon unpurged browne sugar will certainly prove destructive and ruinous to the said plantations, the trade and navigation; for preventing wherof

Your petitioners doe most humbly pray that your honours would be pleased to take the premises together with the said paper annexed into your serious consideration, and that the imposition of one farthing per pound upon the said sugars may be taken of[f] or at least-wise reduced to as lowe a rate as its just value may reasonably beare a right of proportion with the value of whites and the middle sort of claid sugar.

And they shall ever pray.⁷⁵

JOHN SAMPSON

ROWD. HILL

STEPH. BEARCROFT

EDW. BUSHILL

THO. ROMILLY

JOSEPH WRIGHT

ROBT. HEATHE

RICH: TELLY

AMOS FORD

(*Ibid.*)

was not equal. He presented an account of the charge of white sugar, showing that 20 cwt. cleared by £39 8 s., while 80 cwt. of brown sugar returned £79 1 s. 6 d. (Hist. MSS. Comm., *Ninth Rept.*, pt. II., App., pp. 11, 12). This petition is endorsed: "Sir Peter Colliton and others Sugar Planters in America. 29 Mar. 1671. Reade."

⁷⁴ "An exact account or demonstration of the intrinsic or net value of the three sorts of Barbados sugar", showing that one lb. of white imported from the plantations produces nearly as much as 4½ lbs. of unpurged brown; and one lb. of clayed brown near as much as 3½ lbs. of unpurged. Therefore, 4 to 1 should be laid upon white, and 3 to 1 on clayed brown. Unpurged brown employs at least three-fourths of all navigation to the plantations, while the importation of white sugar is of no public advantage, but only for the private gain of a few rich planters. *Ibid.*, pp. 12-13.

⁷⁵ See also *Cal. St. P. Col.*, 1669-1674, p. 216. On Mar. 31 the committee agreed without division to reduce the duty of 1 d. in the bill to 2½ farthings (Hist. MSS. Comm., *Ninth Rept.*, pt. II., App., p. 13). There was also another petition of this date, from the refiners of England, which was read again on the 30th, stating that brown sugar was the interest of the generality of the planters and the groundwork of home manufacture, and

Mar. 29, HC. Resolved, etc., that the House do sit this afternoon, for the dispatch of such bills and reports as are ready: and that the ingrossed bill, touching tobacco, be read. (*C. J.*, IX. 226.)

Mar. 29, HC. A bill to prevent the planting of tobacco in England, and for regulating the plantation trade, was read a third time.

A proviso, on the behalf of the farmers of the customs, was twice read.

The question being put, that the proviso be made part of the bill;

Upon the division of the House,

It passed in the negative.

Resolved, etc., that the bill do pass: and that the title be, An additional act, to prevent the planting of tobacco in England, and for regulating the plantation trade. (*Ibid.*)

Mar. 30, HL. A message was brought from the House of Commons, by Sir George Downing and others

Also these bills following were brought up, to which the Commons desire their Lordships concurrence:

1. An act to prevent the planting of tobacco in England, and for regulating the plantation trade. (*L. J.*, XII. 473.)

Apr. 4, HL. The Lord Berkeley is added to the committee for the bill for impositions upon foreign commodities. (*Ibid.*, p. 477.)

Apr. 5, HL. *Hodie 1a vice lecta est billa*, An act to prevent the planting of tobacco in England, and to regulate the plantation trade. (*Ibid.*, p. 478.)

Apr. 6, HL. *Hodie 2a vice lecta est billa*, An act to prevent the planting of tobacco in England, and to regulate the plantation trade.

Ordered, that the consideration of this bill be committed to these Lords following: *Dux* Richmond, *L. Steward*, *L. Chamberlain*, *Comes* Bridgewater, *Comes* North'ton, *Comes* Berks, *Comes* Dover, *Comes* Scarsdale, *Comes* Essex, *Comes* Anglesey, *Comes* Craven, *Comes* Aylishbury, *Arch.* Eborac., *Epus.* Winton., *Epus.* Ely, *Epus.* Sarum, *Epus.* Carlile, *Epus.* Rochester, *Epus.* St. Asaph, *Ds.* Awdley, *Ds.* Eure, *Ds.* Willoughby, *Ds.* Chandos, *Ds.* Arundell, *Ds.* Grey, *Ds.* Coventry, *Ds.* Mohun, *Ds.* Newport, *Ds.* Bellasis, *Ds.* Holles, *Ds.* Delamer, *Ds.* Ashley.

Their Lordships, or any five; to meet on Saturday next, at three of the clock in the afternoon, in the Prince's Lodgings. (*Ibid.*, p. 479.)

praying that brown be rated at less than one-fourth of white, and especially at a lower rate than the middling clayed sugar. The reasons advanced were, that more brown was refined in America, that it was less bulky to transport, and so gave less employment to shipping. Sugar refining in England, on the other hand, promoted sugar planting in America. To import brown, unrefined sugar will employ at least thrice as many ships as will serve to import the refined product. Hence the question arises whether the manufacturers and laborers in the sugar trade should be fed at home or from "New England". The employment of shipping and the supply of the home sugar manufacture are two great advantages which England receives from the plantations. If sugar refining be driven to Holland, the brown sugar trade from the plantations will follow; while if it is encouraged in America more than at home, navigation from the plantations will be vastly lessened, the trade of merchants thither quite laid aside, and the sugar plantations (especially those of Barbados) will come into fewer hands, will become less able to resist a foreign enemy, and be far less dependent on England. *Ibid.*, p. 12.

Apr. 6, HL. *Hodie ia vice lecta est billa*, An act for incorporating the Company of Royal Adventurers of England trading into Affrica.⁷⁶ (*Ibid.*, p. 480.)

Apr. 8, HL. The Lord Ashley reported, that the committee have considered the bill for an additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom; and, having heard merchants and other persons therein concerned, have made some amendments and alterations therein, which are offered to the consideration of this House. . . .⁷⁷

Then the House proceeded, and read the amendments and provisos twice; and afterwards considered the several amendments, and gave particular resolves, as follows:

The question being put, whether to agree with the committee for abating a half-penny per pound on tobacco?

It was resolved in the negative.⁷⁸

After debate upon the amendments concerning sugars:

The question being put, whether this House agrees with the committee in the amendments that concern sugars?

It was resolved in the affirmative. . . .

Ordered, that this bill be read the third time, with these amendments, on Monday morning. (*Ibid.*, p. 482.)

⁷⁶ Calendared in Hist. MSS. Comm., *Ninth Rept.*, pt. II., App., p. 9. Following the seizure, by the Dutch in 1665, of the forts and other property of the Company of the Royal Adventurers Trading into Africa (see p. 347, *ante*), the company fell into such financial distress that in 1671 a scheme was drawn up for the surrender of its charter and a reorganization under this name. The new charter was granted in 1672. This bill, which was not further proceeded with during this session, recited the establishment of the former company, enacted that the company should continue as a perpetual body incorporate, forbade any trade within the company's limits without their sanction, and provided that the American planters should be supplied with negro servants at rates fixed by the king's Council. Scott, *Joint-Stock Companies*, II. 17-20; Zook, *Company of Royal Adventurers*, pp. 24-27.

⁷⁷ An address was then ordered to be presented to the king, that he, by example, encourage the wearing of the manufactures of his own kingdoms and dominions. When a conference was asked of the Commons on this address, the latter referred the question to a committee to search for precedents concerning messages between both Houses. The Lords mistook this action for a refusal to confer, and called the proceeding unparliamentary. Upon the Commons explaining that the misunderstanding arose through the request for two conferences at the one time, the matter was adjusted. *C. J.*, IX. 233, 234; *L. J.*, XII. 485, 486; Grey, *Debates*, I. 424-433.

⁷⁸ On Mar. 29 and 31 the committee read a petition from merchants, planters, and importers of tobacco stating that this trade, as much as, if not more than, any other promotes trade, labor, and revenue, and that any further imposition will injure it. The trade, it was pointed out, employs yearly 140 ships, from 150 to 500 tons, and breeds many mariners; it vents large quantities of English manufactures; it pays yearly about £100,000 in customs; it is spread to most parts of Europe in return for money and other commodities. To increase the imposition would decrease the trade, encourage smuggling and cutting of stalks, lessen shipping, divert the trade elsewhere, reduce the quantity imported by one-third, and encourage the planting of tobacco in Ireland, Germany, France, and Holland. Mr. Black, or Blake, from the custom house was called before the committee on Mar. 31 and deposed that heavy duties encouraged smuggling, since consumption would not be lessened by the duty; that it was very necessary that no tobacco be planted in England; that many merchants lost heavily the previous year; and that the imports from the plantations amounted to £80,000 or £90,000 a year, and the exports to about £30,000. The committee, by a vote of 18 to 4, then reduced the duty $\frac{1}{2}$ d. per lb. Hist. MSS. Comm., *Ninth Rept.*, pt. II., App., p. 10.

Apr. 10, HL. Hodie 3a vice lecta est billa, An additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom.

The question being put, whether this bill, with the amendments and provisos, shall pass?

It was resolved in the affirmative.

Ordered, that these amendments in this bill be communicated to the House of Commons at a conference to-morrow morning, and reasons given for the said amendments; and, at the same conference, to deliver them the humble address to his Majesty, and desire their conjunction therein.

A message was sent to the House of Commons, by Sir John Coell and Sir William Beversham: ⁷⁹

To desire a conference to-morrow morning, at eleven of the clock, in the Painted Chamber, concerning the Bill for an additional imposition upon foreign commodities, and also concerning an humble address to his Majesty.

These Lords following are appointed to manage this conference; and they, or any three of them, are to meet to-morrow morning, at nine of the clock, in the Prince's Lodgings, to consider and draw up reasons fit to be offered at the conference, for making these amendments, and to report the same to this House: L. Chamberlain, *Comes* Bridgwater, *Comes* Berks, *Comes* Sandwich, *Comes* Essex, *Comes* Anglesey, *Viccomes* Hallyfax, *Epus* Rochester, *Ds*. Willoughby, *Ds*. Ashley. (*Ibid.*, p. 483.)

Apr. 10, HC. A message from the Lords, by Sir John Coell and Sir William Beversham;

Mr. Speaker, the Lords have returned you down a bill, intituled, An act to prevent stealing and transporting children, and other persons; with some alterations and amendments: to which they desire the concurrence of this House. . . . (*C. J.*, IX. 233.)

Apr. 12, HL. The Earl of Sandwich gave the House an account, what the committee had prepared, to be offered at the conference with the House of Commons, concerning the amendments made by their Lordships in the bill for additional impositions on foreign commodities:

Touching the impositions upon sugars of our colonies; to let them know, that the Lords had presented unto them petitions from the planters, merchants, and refiners; all which were heard at a committee; and though all of them concurred to shew reasons for, and to desire, the abatement of most, if not all the imposition set in the bill upon those sugars, yet the Lords were not persuaded that it was fit to have no imposition upon brown sugars; but, from the arguments they heard, their Lordships were induced to change the proportion of the imposition between white sugar and brown, by lessening the impost upon white sugar one farthing and half a farthing in the pound, for the reasons following; *videlicet*,

1. Because, by the examining of several estimates of the first cost of the sugars imported, before the persons concerned, the proportion of 2 and $\frac{1}{2}$ seems to be the truest medium.

⁷⁹ *C. J.*, IX. 233.

2. The price the refiners here sell white sugar for, agrees best with the proportion of 2 and $\frac{1}{2}$ to the brown sugars whereof it is made.

3. Some merchants of good credit, as well as planters, affirm, that the proportion of $2\frac{1}{2}$ is the truest medium for converting brown sugars into white.

Moreover, their Lordships observe, that in this very bill, where white sugars refined are to be exported, order is taken that one half farthing shall be paid back again to the exporter; which they suppose to be intended all the custom that was paid upon the brown sugars that make it (because, that brown sugar exported, the whole custom is to be paid back); and then it seems to shew the proportion between white and brown $2\frac{1}{2}$.

Their Lordships think it to be of great importance, that the imposition upon these sorts of sugars be not laid so unequally as to discourage the planters to leave off making sugars, who now get little, and will have much less profit if they be not encouraged to clay and refine their sugars.

And if the present proposition⁸⁰ in the bill of four to one should have that effect, then, the planters being so discouraged, it would produce the evil consequences of the loss of our navigation, and the consumption of our home manufactures, destroying the English refiners, losing a million in the balance of our trade: whereas, if the proportion should err to the prejudice of the English refiners only, and the planters be encouraged thereby, there would no other ill consequence follow: and when their Lordships consider the importance of this manufacture, and the number of persons that manage it, in comparison with the other considerations, they find it in no sort of that weight to justify the hazards that must be run on the other hand: besides, their Lordships hope, that if the proportion should be a little hard towards the refiners, yet that it would not destroy that manufacture; the plantations being not likely suddenly to alter their way, nor ever totally, but that there will always be a good proportion of muscovadoes imported to employ them about.

It hath also been represented to their Lordships, that, by encouraging the English sugar plantations, and making it a matter of state so to do, we might in short space of time engross that manufacture to ourselves, and serve the Straights and other countries therewith, to the advantage of doubling at least the balance of trade we now enjoy by the same, and greatly increase the king's revenue, our navigation, and our consumption of home manufactures also. The competitors we have are, the French, Dutch, and the Braziles: the two former are but beginners, and may easily be discouraged; the latter only is the most considerable, whom we have already beaten out of the trade of muscovadoe sugar, by underselling them: they have only supported themselves in that manufacture by turning themselves to make white sugar; and if our plantations be encouraged to do the same, we shall undersell them in that commodity also, and probably effect the end proposed. And if once we could become the sole or principal venders of sugar in Europe, the advantages to this kingdom thereby would be more than is needful to enumerate upon this occasion.

⁸⁰ Proportion; note in *Journals*, "Sic".

The aforesaid consideration hath also moved their Lordships to be very tender, lest this new proportion of impost should discourage the planters, and to make the abatement of one farthing and half a farthing in the pound from the one penny in the pound charged in the bill upon the white sugars of our own plantations.

Their Lordships likewise have been informed lately of the infection of the pestilence raging in the Barbadoes, which confirms them in their former tenderness not to discourage the sugar planters, and will doubtless have a due consideration with the House of Commons. And because their Lordships find in the bill the imposition upon the Portugall white sugars equal to that of our own colonies, their Lordships being also satisfied in the reasons thereof, especially to avoid giving pretence to that crown to raise the impositions upon our manufactures which are in great quantity vended there, their Lordships have thought fit to abate one farthing and half from the imposition upon the sugars of that kingdom imported here: to all which they hope the House of Commons will concur.

The House approved this report; and agreed the same be made use of at the conference: and the committee were directed to make use of the vote of this House, to fortify their Lordships alteration concerning brandy. And this House gives further power to the committee, to give what other reasons they shall think fit to maintain their Lordships amendments in that bill, as they shall see occasion. (*L. J.*, XII. 486-487.)

Apr. 12, HL. Ordered, that . . . the committee concerning tobacco, do sit to-morrow morning, at nine of the clock. (*Ibid.*, p. 489.)

Apr. 12, HC. The House then went up to attend the conference accordingly.

Mr. Attorney General ⁸¹ reports, from the conference, that the managers had attended the conference with the Lords; where their Lordships opened the material amendments, that they had made to the said bill of impositions on foreign commodities; and expressed their reasons for the same: as to their Lordships amendments to that part of the bill concerning impositions on sugars, their Lordships gave their reasons for the same, in writing: which he read, in his place. . . .

Which bill, with the amendments and address, were delivered in at the clerk's table.

Resolved, etc., that the House proceed upon the aforesaid amendments to the bill, sent down from the Lords, for an imposition on foreign commodities, to-morrow morning, at nine of the clock.

Resolved, etc., that this House doth agree with the Lords, in the address aforesaid, to be made to his Majesty. (*C. J.*, IX. 234.)

Apr. 12, HC. *Earl of Anglesey*: ⁸² The Lords have had long consideration of this bill, and have made amendments, some literal, some verbal. In the sugar, the Lords have made sugars from "one penny per lb." to "halfpenny half farthing". The Lords have heard the merchants and planters; the price agrees with the refiners.

⁸¹ Sir Heneage Finch.

⁸² At the conference on the commodity bill.

Earl of Essex: the king's revenue will not be prejudiced by it.
⁸³ (Grey, *Debates*, I. 433.)

Apr. 13, HC. The House then proceeded to the reading the amendments and clauses, sent from the Lords, to the bill for an imposition on foreign commodities: which were once read:

And the first amendments, sent from the Lords, being for changing the proportion of the impositions on white sugars from one penny per pound, to halfpenny half farthing, was read the second time; and debated.

Resolved, etc., *nemine contradicente*, that, in all aids given to the king, by the Commons, the rate or tax ought not to be altered by the Lords. (C. J., IX. 235.)

Apr. 13, HC. Ordered, that it be referred to Mr. Attorney-General, Mr. Coleman, Sir Geo. Downing, Mr. Attorney Mountague, Mr. Coventry, Mr. Vaughan, Sir Robert Carr, Sir Thom. Meeres, Sir Thom. Littleton, Sir Edw. Deering, Mr. Treasurer, Sir Robert Howard, Sir Robert Atkins, Sir Will. Coventry, Colonel Birch, Mr. Milward, Sir Thom. Lee, Sir Rich. Temple, Sir Jo. Birkenhead, Sir Phil. Warwick, or any five of them, to prepare and draw up reasons, in order to a conference to be had with the Lords, to shew them, why the Commons do not agree with their Lordships amendments and provisoes to the bill of additional impositions on foreign commodities; and report the same to the House: and they are to meet this afternoon, at five of the clock, in the Speaker's Chamber. (*Ibid.*)

Apr. 13, HC. Mr. Attorney Finch:⁸⁴ Shall be the last man in this House that ever shall yield that the Lords have power to lower impositions, as well as lay impositions. Peruse the Lords paper, not with admitting they have power to lower any thing, but in order to convince the Lords.

The Speaker:⁸⁵ In the Lords amendment there is a lowering of English, and raising of foreign commodities.

Sir Robert Atkins: If the Lords have power to lower, they might have had just occasion in passing the book of rates; but they did not so much as read the book, but took it *pro confesso*, that they had no power to lower.

Sir Thomas Clifford: In cases where there is not one affirmative precedent, debates are the shorter; put the case a man says, "Pay me my money"; one reason is said, "I have no money", and that silences all. First, would assert your right, and then, considering the bill to be of trade, agreeing with the Lords will be destructive to your plantations, *viz.* Whether you should have your refiners in the plantations, or in England? Five ships go for the blacks, and not above two, if refined in the plantations; and so you destroy shipping, and all that belongs to it; and if you lose this advantage to England, you lose all. The materials are there dearer, and so the capital stock of the nation will be impaired; the current and standard money of the plantations, by this means, will be in a few hands, to the destruction of your plantations.

⁸³ The rest of the debate contained no reference to plantation products.

⁸⁴ The attorney general. This debate was on the Lords' amendments for changing the imposition on sugar.

⁸⁵ Sir Edward Turner.

Mr. Henry Coventry: The bill has two heads, imposition on foreign commodities, and encouraging your own trade. If the Lords had not said so much particularly, and sent to us for a conference, without naming the *quantum*, the thing might have been fairly argued; but you must never come to debate their power of *quantum*; they have a negative voice, and may reject the whole. If we parley, it looks like yielding. If you yield this point of the *quantum*, the next will be to yield the power of heightening.

Sir George Downing: If you give not the Lords reasons for not lowering, and that they ought to agree with you, they may totally reject the bill. In your calcule you reckoned two of brown sugar to one of white, and the navigation rateably. . . .

*Mr. Hampden:*⁸⁶ If this be clearly an imposing, would not have it put to the question, which is out of all doubt. Would have that stated. Would have the Lords keep their hands out of our purses, and at a conference plainly to tell the Lords, that it is a raising they have no power to do; but as to the lowering, by debate we may clear that.

Sir John Birkenhead: If the Lords would ease the people, and we will not let them, it is the way to make the people fall upon us. We dare not depart from the power of lowering and heightening. When a subsidy tax comes from the convocation, you cannot alter any tittle, no more than a general pardon; so it is with the Lords in these taxes upon the people. The Lords have given money without the Commons, but only from themselves; the Commons would not join with them; they called it a device.

Sir Edward Dering: Is very well pleased to see the House assert our rights and the people's, but would not enter into the debate, at the latter end of a session, about privileges. This is as clear an imposition as can be expressed; we tax all foreign sugars at such a rate. The new clause the Lords add to it of the Portugal sugars, which by the former clause they must pay, and by this new one also—would not agree with the Lords. . . .⁸⁷ (Grey, *Debates*, I. 435-437.)

Apr. 14, HL. Ordered, that the committee for the bill concerning tobacco do meet this afternoon, at three of the clock. (*L. J.*, XII. 491.)

Apr. 14, HC. Sir Robert Howard reports, from the committee appointed to consider of reasons to be used at the conference to be had with the Lords, the said reasons: which he read, and opened to the House; and were approved of by the House.

⁸⁶ Richard, member for Wendover.

⁸⁷ The rest of this debate turned on the question of privileges and precedents. Under this date, Marvel wrote to the wardens of Trinity House, at Hull: "We have now to-day considered of their Lordships amendments unto the Bill of forain Commodities, wherein they have made many alterations in mony matters, having altered the impositions on Sugars, thrown out the clauses of Corn, of Coales, of Brandy, in which our House hath wholly disagreed, ordered a Committee to consider of reasons for a conference, and have besides made a solemne vote, That aids given by the Commons ought not to be altered. Insomuch that considering the present temper of both Houses, there is some hazard that this Bill may be lost betwixt them . . . the Houses being in that point so farr intangled in the manner of their proceedings, that it will be very difficult to find the right way back to an agreement . . ." Grosart, *Complete Works of Andrew Marvell*, II. 385.

Resolved, etc., that a conference be desired with the Lords, upon the subject-matter of the last conference; and that Mr. Waller do carry up the message to the Lords.

Ordered, that the managers of the aforesaid conference to be had with the Lords, upon the bill of impositions on foreign commodities, in their reasons and arguments, do insist upon the rates of impositions on merchandiseable commodities; and that impositions made by the Commons are not to be altered by the Lords. (*C. J.*, IX. 236.)

Apr. 15, HL. A message was brought from the House of Commons, by Mr. Waller and others;

To desire a conference, concerning the subject-matter of the last conference.

The answer returned was:

That the Lords do agree to a conference, as is desired; and do appoint it to be presently, in the Painted Chamber.

The same Lords as were appointed to manage the last conference are now appointed to report this conference.

The House was adjourned during pleasure, and the Lords went to the conference; which being ended, the House was resumed.

Ordered, that the report of this conference shall be made on Monday morning next; and all the Lords now in town are to have notice to give their attendance on this House on Monday next. (*L. J.*, XII. 492.)

Apr. 15, HC. The House then attended the conference with the Lords, upon the reasons of disagreeing with their Lordships to their amendments to the bill of additional impositions on foreign commodities.

And the managers thereof report, that they had attended the conference accordingly. (*C. J.*, IX. 236.)

Apr. 17, HL. Next, the *Earl of Anglesey*, and the rest of the Lords that managed the conference with the House of Commons on Saturday last, concerning the amendments in the bill, intituled, An additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom, reported the effect of the said conference:

He said, Mr. Attorney General was the first man who spake; and told their Lordships, that the commons had desired this conference upon the subject-matter of the last conference, which was concerning the act of imposition, intituled, An additional imposition on several foreign commodities; and for the encouragement of several commodities and manufactures of this kingdom. He said, in the end of it, your Lordships communicated the form of an address to his Majesty, against the use of, and to discountenance those that do use, foreign manufactures in prejudice of our own; which they chearfully concur in, and humbly thank your Lordships for: they differ so much in the rest, that he fears this is the only thing they agree in; but hope for a good agreement in conclusion, the Commons having done as much as they can, to narrow the differences.

He said, in several clauses, we had varied the rates, in sums, in the species, and in the time.

They desire nothing that is not the subject-matter may come into debate between us (that is, concerning the right of laying impositions on the subject in general); the present question being concerning rates and impositions on merchandize only. And in this there is a fundamental right in the House of Commons, both as to the matter and the measure, and the time, unalterable, and which they cannot part with. He told us, we have formerly agreed a book of rates without so much as seeing it, signed by the Speaker Sir Harbottle Grimston, 12 *Caroli II di*, confirmed 13 of King Charles, which they sent not up, lest your Speaker might sign it too, whereas never book of rates was read in the Lords House.

The title they have to the giving aids, is the only poor thing the Commons can value themselves upon to their prince. If there be any fault in this bill, 'tis that they mentioned any rates at all in particular.

If they had sent up a bill of six lines, referring to a book of rates, there could be no reason why your Lordships should not have agreed to that, with the same deference to the House of Commons, as you did for the other book of rates 12 *Car'l. II di*. We desire we may not dispute what is not the question. The rates upon goods and merchandize is that before us.

They sent it this way, to shew their duty to the king, and respects to the Lords; and never supposed it would be made a handle of difference to obstruct the gift for ever, as if it were too great to get through.

Your Lordships begin a new thing. We find ourselves possessed of it in all ages, and find not one grant of tonnage and poundage that is not barely the gift of the Commons. They hope your Lordships will not now go about to assume this; a right so fundamentally settled in the Commons, that I cannot give a reason for it, for that would be a weakening of the Commons right and privilege, which we can never depart from, being affirmatively possessed of it in all ages, and negatively as to the Lords. But, out of respect to your Lordships, we have called ourselves to account upon the reasons of our proceedings in this bill; and do find that nothing that we have done in it is against the interest of trade; but no syllable of the variations made by your Lordships but is prejudicial to the balance of trade. Some intrusted therewith will present your Lordships the reasons we shall offer; and though the expressions should be somewhat harsh in the maintaining the right and privilege of the House of Commons, we desire all may be received with candour and patience, and you would give it a fair interpretation.

The next that spoke was Sir Robert Howard, for the particular amendments.

In the title, the Commons agree to the amendment ["manufactures"].

In the 2d skin, line 37, sugars at a halfpenny half farthing, they disagree.

The reasons of this of sugar were given by Sir Robert Carr; why the Commons did impose four times as much upon white sugars of the plantations as upon brown:

1. That, upon hearing the planters, the merchants, and the refiners, and other best informations they could get, they found that the proportion of three to one was the truest medium for converting brown sugar

into white; and then, considering that when the sugar is brought hither from the plantations white, two thirds of the cask, and two thirds of the carriage in the said plantation to the water-side, and two thirds of the freight hither, is thereby saved; and also, considering how much labour is cheaper there than here, they doing all by their slaves, who work (as it were) for nothing; the Commons did thereupon conclude, that, having laid one farthing per pound upon the brown, they could not impose less than one penny upon the white.

2. In all barthers made in the Barbadoes, they do usually allow four pounds of brown sugar for one of white, or more; and sometimes six or seven pounds for superfine whites; and the like proportion is observed in payment of the custom there, when the 4 and $\frac{1}{2}$ per cent. is not paid in kind.

3. Four pounds of brown sugar do not generally yield and produce so much in value at this market (all charges being deducted) as one pound of white, as appears by the Barbadoe merchants accompts; and the like will appear by the difference of the prices between brown sugar from the plantations and the refined sugar made here, some being sold at less, and other at more, than four to one difference; and so four to one seems to be the nearest medium.

4. In the book of rates, brown sugars from the plantations pay eighteen pence the hundred weight, and white pay five shillings the hundred weight; which goes by the proportion of between 3 and 4 to one: and yet, under that proportion of payment, the making of white sugars in the plantations hath had its beginning, and every year grown; and consequently no reason can be given to lessen that proportion.

5. It is true, that but one halfpenny half farthing is to be re-paid by this bill upon exportation of sugars refined here; but then it is also to be considered, that one half farthing per pound is also to be re-paid for the syrups exported; which considered, together with the difference of the charge of land and sea carriage, and cask, make it evident that one penny upon whites from the plantations is by no means disproportionable to one farthing upon browns.

6. Brown sugars are the money of the plantations, and the great concern of the generality of the planters; and consequently the greatest care is to be taken, not to over-charge the brown sugar; not one planter in a hundred being concerned in making white sugar. And if the rate upon white sugars should be set so low here, as thereby to discourage the importing of brown sugar, the generality of the planters, who do now deal immediately with the merchants, must all be enforced to sell their goods to those rich planters who have refining houses, and would thereby gain a much greater profit than by what they plant themselves, and the generality of the planters undone.

7. If the plague be in the Barbadoes, there is the more reason for the penny per pound upon white sugars from thence, because they have the more want of hands to manufacture their sugars into whites; and consequently it would be at this time more improper to discourage the bringing the sugars hither brown, and to deliver the bulk of the planters, who raise only brown sugars, into the hands of those few who make whites.

8. And if it be not inconvenient to the plantations that the difference of four to one between brown and white be observed, surely it is much more convenient to England, for that by this means our plantations come to need thrice as much cask: we have also employment for thrice as much shipping for bringing of the sugars hither; and we do gain also here in England the great trade of sugar-baking, by which a very great stock and number of people are employed here, a great consumption of coals, victuals, and other necessities for carrying on of this manufacture; his Majesty's revenues by fire, hearths, excise upon beer and ale, encreased.

9. As to all arguments which may be drawn from the growing of the Dutch and French in the planting and manufacture of sugar, and from the great quantities thereof from the Brazills, they do not all reach this case; or, if any white sugar be imported hither from any place other than the English plantations, it pays by this act the same duty as ours; and if ours be exported into any other country, the whole duty imposed upon it by this act is re-paid, or the security vacated, and to be sure the exportations will generally be within the time allowed for payment of the money; and consequently this act doth no way hinder the design of our becoming masters of the sugar trade.

He concluded, they had done nothing but for the advantage of trade. . . .⁸⁸

Mr. Attorney concluded:

My Lords,

Aids were never more necessary; and this is no common present, a grant for nine years, and cannot miscarry but upon difference between the two Houses. We desire that in no place, upon no occasion, they may be made wider.

There are two differences upon it:

1. Difference in judgement and opinion; we hope we have satisfied you therein fully.

2. In interest and privilege: this is in a narrow compass, we stand upon this; rates on merchandize you never did impose, never diminish. Books of rates have been kept from you, lest you should inquire into them.

Nothing so dangerous as differences, nothing so unparliamentary. My Lords, pray let nothing be done unparliamentary.

Upon the report of this last conference with the House of Commons, and consideration had thereupon: It is resolved, upon the question, by the Lords Spiritual and Temporal in Parliament assembled, *nemine contradicente*, that the power exercised by the House of Peers, in making the amendments and abatements in the bill, intituled, An act for an additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom, both as to the matter, measure, and time, concerning the rates and impositions on merchandize, is a fundamental, inherent, and undoubted right of the House of Peers, from which they cannot depart.

⁸⁸ Then is given an account of the proceedings of the conference on the proposed amendments touching foreign manufactures, silk, salt, coal, corn, etc. Concerning salt, it was stated, "the Newfoundland trade is split fish, and carried on with Cape Verde salt".

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the same Lords who reported the last conference with the House of Commons (the Lord Newport added to them) do meet this afternoon, and prepare reasons and precedents, and what else is fit to be offered at a conference, to maintain this resolution of this House; and make report thereof to this House.⁸⁹ (*L. J.*, XII. 494-495, 498.)

Apr. 18, HL. The Duke of Bucks is added to be one of the managers of the conference with the House of Commons, concerning the additional impositions upon foreign commodities. (*Ibid.*, p. 500.)

Apr. 18, HL. The Lord Newport reported, that the committee for the bill concerning tobacco have considered the said bill, and have made some amendments therein, which are offered to the House.

Which amendments, being read twice, were agreed to.

Hodie 3a vice lecta est billa, An act to prevent the planting of tobacco in England, and for regulating the plantation trade.

The question being put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 501.)

Apr. 18, HL. A message was sent to the House of Commons,⁹⁰ by Sir John Coell and Sir William Beversham:

To return the bill concerning tobacco . . . in both which the Lords have made some amendments, to which the concurrence of the House of Commons is desired. (*Ibid.*)

Apr. 19, HL. The Earl of Anglesey and the other Lords as were appointed to prepare reasons and precedents, and what else is fit to be offered at a conference with the House of Commons, to maintain the resolution of this House, made the 17th of this instant April, and also to consider of an answer to the objections made by the House of Commons to their Lordships amendments made in the bill for an additional imposition upon foreign commodities, reported, first, an answer to the objections against the abatement of the rates upon sugars, as followeth:

1. The Lords say, the reasons delivered at the conference do not convince their Lordships to alter their former opinion, that the proportion

⁸⁹ Marvell to the wardens of Trinity House, Hull, Apr. 18: "Since my last to you, we desired a conference with the Lords upon their amendments of the bill of foraine Commodities. Our Managers there being so directed by the House, did not insist upon our general vote, that no aids given by the Commons ought to be altered in the value by the Lords; but only that no impositions upon Merchandize ought to be altered (which was the proper case of this Bill) and over and above gave particular reasons against each amendment, according to the nature of the matter respectively. The Lords hereupon have voted, *nemine contradicente*, that what they have done in this bill is as to the matter, measure, and time, a fundamentall and inherent right of their Lordships; and from which they could not depart. And since they have been preparing themselves with reasons and precedents in order to desire another conference with us. But we have not yet heard from them, and however it is at present certainly supposed that both Houses are so firme to their contrary resolutions, that this Bill will fall betwixt us. And therefore, that his Majesty, passing such Bills as are in readynesse, and he approves of, will tomorrow, or next day, prorogue us . . . Most say the prorogation will be for a very short time, that so this Bill, the bone of contention, being cut off thereby, another may be offered next meeting, of the same nature but more consonant to the inclination of both Houses . . ." Grosart, *Andrew Marvell*, II. 386-387.

⁹⁰ *C. J.*, IX. 237.

of 2 and $\frac{1}{2}$ is the best medium for converting brown sugar into white; and it is affirmed to their Lordships, that when sugar is brought hither from the plantations white, there is not $\frac{1}{3}$ of the cask saved, nor $\frac{1}{2}$ of the carriage from the plantation to the waterside, and not a $\frac{1}{4}$ of the freight; and that, though the planters do pay no wages to their slaves, yet they cost very dear, considering the price they buy them at, and the charge they are at to maintain them; and besides, it seems to their Lordships most equitable, to lay the imposition according to the proportion of the materials, and not according to the skill or advantages of the manufacturers thereof.

2. It is affirmed unto their Lordships, that in all barters made in the island of Barbadoes, 2 and $\frac{1}{2}$ is the medium proportion between the several sorts of white sugars that pay customs as white here, and muscavadoes; and that superfine whites are seldom made there, unless designed for a present.

3. It was affirmed unto their Lordships, and made appear by the planters accompts, that 1 lb. of whites did not yield and produce as much in value at this market as 2 and $\frac{1}{2}$ pounds of muscavadoes: and it was also made appear to their Lordships, that there were errors in those accompts presented them by the merchants, to shew that 4 lb. of muscavadoes did not clear so much as one pound of white sugar; and it was also affirmed, that the refiners did sell refined sugar of a better standard, than the best clayed whites (of which sort is nine tenths of the whites) that comes from the plantations, and all that come from Brasile for less than $2\frac{1}{2}$ times, as much as they gave for the muscavadoes to make it with; which plainly shews that 2 lb. and $\frac{1}{2}$ of muscavadoes will make more than 1 lb. of whites, or the refiners are losers by turning brown sugars into whites.

4. Though the former imposition in the book of rates should have been unequal, yet the custom on whites thereby being but 3 s. 6 d. per cent. more than upon browns, the planter did endure it much better than it is possible to expect upon this additional high impost, which will make white sugars of the plantations pay 10 s. 6 d. per cent. more than the browns, and, is much to be feared, will cause the planter to make little or no white sugar.

5. The $\frac{1}{2}$ farthing paid back upon syrups can be no great encouragement to export refined sugar; for English syrups are of late in a manner prohibited in Holland, the place of their chiefest vent.

6. It is true, brown sugars at present are the money of the Barbadoes, but it were to be wished it were not; for then the kingdom would be better enabled to beat foreigners out of the trade, and the planters manage their plantations to better profit; there being no sugar planter so mean, nor any considerable additional charge needful to hinder any one planter to manufacture so much of it, as is proper, into white sugar, and so reap the benefit thereof himself, and not be obliged to other men for the venting their muscavadoes.

7. A very few additional hands will clay and whiten sugars, which is the greatest profit of the planters, and in which most of them are concerned; and the plague (doubtless) will impoverish the country; which

makes it much compassionate, as well as our interest, to give them ease and encouragement.

8. Their Lordships conceive, that though the planters should be encouraged to make more white sugar, yet there would be nothing or very little less cask or ships used in that trade. And the planters affirm, that they do already use more coals than the refiners. And it is said, the sugar bakers employ not very many people, and those are capable of using their industries in other trades as useful to the kingdom, and consume as much victuals, and pay as much excise, as now. The fire hearths perhaps might not be so many; but the prejudice to his Majesty's revenue thereby is too inconsiderable to be mentioned.

9. The plenty and cheapness of white sugars of our own, must beat foreigners out of the trade; and we see our English refiners themselves are afraid of being beat out of the trade, if we should too much encourage our plantations; which confirms their Lordships to think, that foreigners will receive as much or more damage by such encouragement given to our sugar planters, and consequently it is likely to contribute much to the design of making this kingdom masters of the sugar trade.

These reasons concerning the sugars were approved of; and their Lordships proceeded in the report of the reasons and precedents, as follows:

This conference was desired by their Lordships upon the subject matter of the last conference, concerning the bill for impositions on merchandize, etc. wherein the Commons communicated to the Lords, as their resolution, that there is a fundamental right in that House alone, in bills of rates and impositions on merchandize, as to the matter, the measure, and the time. And though their Lordships had neither reason nor precedent offered by the Commons to back that resolution, but were told "that this was a right so fundamentally settled in the Commons, that they could not give reasons for it, for that would be a weakening of the Commons right and privilege; yet the Lords in Parliament, upon full consideration thereof, and of that whole conference, are come to this resolution, *nemine contradicente*.

That the power exercised by the House of Peers, in making the amendments and abatements in the bill, intituled, An act for an additional imposition on several foreign commodities, and for encouragement of several commodities and manufactures of this kingdom, both as to the matter, measure, and time, concerning the rates and impositions on merchandize, is a fundamental, inherent, and undoubted right of the House of Peers, from which they cannot depart⁹¹

We have seriously consulted our judgements and reasons, to find objections, if it were possible, against this power of the Lords; and are so far from finding any, that we are fixed in opinion that the want of it would be destructive to the government and peace of the kingdom, and

⁹¹ Then are given nine reasons, mostly constitutional, and a number of precedents, for the position taken by the Lords, and in reply to the attorney general's remarks at the conference of Apr. 17.

the right of the crown, in the balancing and regulating of trade, and the making and preserving leagues and treaties with foreign princes and states; and the exercise of it cannot but be for the security of all, and for the ease, benefit, and satisfaction of the subject.

Their Lordships are very far from desiring to obstruct this gift, no not for a moment of time, much less for ever, as was hinted to them at the last conference: and therefore they desire the House of Commons to lay it to heart, and consider, if it should so happen (which they heartily wish it may not) that there should be an obstruction upon occasion of this difference, at whose door it must lie; those that assume to themselves more than belongs to them, to the prejudice and diminution of the others right, or theirs that do only exercise that just and lawful power which by the very nature and constant practice of Parliament is, and for many ages hath been, vested in both Houses.

Their Lordships had under their consideration and debate the desiring a free conference with your House, upon the reasons of the amendments in difference between the Houses; but when they found that you had interwoven your general position with every reason you had offered upon particulars, it seemed to them that your judgements were prepossessed; and they hold it vain and below the wisdom of Parliament to reason or argue against fixed resolutions, and upon terms of impossibility to persuade; and have therefore applied themselves only to that point which yet remains an impediment in the way of free and parliamentary debates and conferences, which must necessarily be first removed, that so we may come to a free conference upon the bill itself, and part with a fair correspondence between the two Houses.

The House agreed to this report; and directed the same should be delivered to the House of Commons at the conference in writing.

After this, the Lords took into consideration that other part of the conference with the House of Commons, concerning the amendments made by the Lords in the bill for an additional imposition upon foreign commodities, etc. and not agreed to by the House of Commons.

The first was, the reducing 1 *d.* upon sugars to $\frac{1}{2}$ *d.* half farthing.

Which being read, and the reasons of the Commons for their not agreeing, and also the reasons of this House in answer to them being read; the Lords are not satisfied with the reasons of the House of Commons, but approve of the reasons prepared by the committee. . . .⁹² (*Ibid.*, pp. 502-505.)

Apr. 20, HL. A message was sent to the House of Commons, by Sir John Coell and Sir William Beversham, consisting of these particulars:

1. To desire a present conference with the House of Commons, in the Painted Chamber, upon the subject-matter of the last conference, concerning the bill for an additional imposition on several foreign commodities, etc. . . .

⁹² Here follows a report of the action taken on the other amendments. Curtailed accounts of these conferences on this bill, but containing no reference to the discussion on the amendments, are printed in Cobbett, IV. 479-496; and in Chandler, *History and Proceedings of the House of Commons*, I. 146-162.

The messengers sent to the House of Commons return with this answer :
That the House of Commons will give a conference, as is desired. . . .

The House of Commons being ready for the conference, the House was adjourned during pleasure, and the Lords went to the conference, with directions to acquaint the House of Commons with the reasons and precedents prepared by the committee, but not with the particular reasons upon the matter of the bill. (*Ibid.*, p. 506.)

Apr. 20, HL. The House of Commons being ready for the conference, the House was adjourned during pleasure, and the Lords went to the conference; which being ended, the House was resumed.

The Earl of Anglesey reported, that the managers of the conference with the House of Commons this morning, upon the bill for impositions upon foreign commodities, made use of those reasons and precedents in writing as they were directed by this House, and left the same in writing with the House of Commons; and shewed them the book of rates, confirmed by the act of 13 *Caroli Secundi*, which is kept in this House as a record. (*Ibid.*, p. 507.)

Apr. 20, HL. A message was brought from the House of Commons, by Sir Robert Howard and others :

To desire a conference, concerning the amendments made by their Lordships in the bill against planting tobacco in England.

The answer returned was :

That their Lordships agree to a conference, as is now desired; and appoint the same to be presently, in the Painted Chamber, after the free conference.

The House was adjourned during pleasure, and the Lords went to the conference; which being ended, the House was resumed.

The Earl of Anglesey reported the effect of the free conference with the House of Commons, concerning the bill against planting of tobacco in England, etc. which was,

That the Commons agree to all the amendments made by this House, excepting to that amendment for leaving out the oath to be administered to the governors of the plantations; to which they cannot agree, for these reasons :

1. Because the act for encouragement of trade, in the 15th year of this king, required this oath to be taken, for observation of the laws.⁹⁸

2. The clause left out by your Lordships tends only to secure the execution of that law in this very point.

3. Experience hath shewed the neglect, to the great prejudice of the trade of England.

This clause did only provide that the oath be taken.

The temptation that lies upon the governors, in point of profit, makes it necessary to secure the trade of England by this clause, that the oath be taken.

If it should be objected, that in case a trade were opened with the Spaniard in the Indies, that this obligation upon the governors may be a

⁹⁸ Section 6, 15 Car. II. c. 7 (*Statutes*, V. 450).

hinderance to it: 'tis answered, that the commodities directed by that act could be of no use to that part of the world, who want only blacks and Europæan commodities.

The Lords, upon consideration of these reasons of the House of Commons, being not satisfied, insisted upon their alteration concerning this clause.

A message was sent to the House of Commons, by Sir John Coell and Sir William Beversham:

To desire a present conference, in the Painted Chamber, concerning the matter of the last free conference.

The messengers return with this answer.

That the House of Commons will give a conference, as is desired. (*Ibid.*, p. 508.)

Apr. 20, HC. Amendments, sent from the Lords, to the bill to prevent the planting tobacco in England; and for encouragement of the foreign plantations, were twice read; and all, but the last amendment, on the question, agreed to.

Ordered, that it be referred to Sir Robert Howard, Sir Geo. Downing, Colonel Birch, Alderman Bence, Sir Thomas Lee, to prepare reasons to be offered at a conference, to be had with the Lords, upon the amendments to the bill to prevent the planting tobacco in England; and for regulating the plantation trade. (*C. J.*, IX. 237.)

Apr. 20, HC. A message from the Lords, by Sir John Coell and Sir William Beversham;

Mr. Speaker, the Lords have commanded us to acquaint you, that they desire a present conference with the House of Commons, in the Painted Chamber, upon the subject matter of the last conference, concerning the bill for an additional imposition on several foreign commodities . . .

The messengers being called in; Mr. Speaker acquaints them, that the House had agreed to a present conference upon the subject matter of the last conference, concerning the bill for an additional imposition on several foreign commodities.

Ordered, that the former managers do manage this conference.

Mr. Attorney General reports, from the conference had with the Lords, that the single point insisted on at the conference was, the matter of privilege, arising upon the Lords alterations of the rate upon sugar, imposed by this House; and the reasons offered, and precedents insisted on, by the Lords, in justification of their privilege therein: which he opened, and read to the House. . . .⁹⁴ (*Ibid.*, pp. 237-238.)

Apr. 20, HC. Sir Robert Howard reports, from the committee, to which it was referred to prepare reasons to be used at the conference with

⁹⁴ The managers of the conference were directed to consider the reasons and precedents submitted by the Lords on Apr. 19, and to make report thereon. This report was made on Apr. 22, when the final conference on this matter was held. The Lords then expressed "much dislike" toward "the unusual expressions of the Commons, in what they delivered at the conference". These reports, since they were solely concerned with the constitutional questions involved, are here omitted. They are printed in full in *C. J.*, IX. 239-244, and in *L. J.*, XII. 510-513, 514. Some debate at this last conference is given in Grey, *Debates*, I. 463-467.

the Lords, upon the bill to prevent the planting tobacco in England, and for regulating the plantation trade, reasons agreed to be offered at the conference: which were allowed by the House: and Sir Robert Howard ordered to desire a conference: and that Sir Robert Howard, Sir Geo. Downing, Colonel Birch, Alderman Bence, Sir Thom. Lee, do manage the conference. (*Ibid.*, p. 238.)

Apr. 20, HC. A message from the Lords, by Sir John Coell and Sir Will. Beversham;

Mr. Speaker, the Lords desire a present conference, in the Painted Chamber, upon the subject matter of the last conference upon the bill against planting tobacco in England; and for encouraging the plantation trade.

The messengers being withdrawn; and called in again;

Mr. Speaker acquaints them, that this House doth agree to a present conference.

Ordered, that the former managers do manage this conference.

Sir Robert Howard reports, from the said conference with the Lords, that their Lordships adhere for leaving out the clause concerning oaths to be administered to governors of foreign plantations, beginning in press the 8th, line 4, and ending in press 9th, line 6, at the word "and".

Resolved, etc., that the debate of the said conference be adjourned till Saturday morning next. (*Ibid.*)

Apr. 22, HL. A message was brought from the House of Commons, by Sir John Bennet, etc.; who returned two bills:

One concerning tobacco, sent down with amendments; to which the Commons do agree. . . .⁹⁵

The said amendments were read twice, and agreed to; and then read the third time. (*L. J.*, XII. 509.)

Apr. 22, HC. Resolved, etc., that his Majesty be humbly desired, by such members of this House as are of his Majesty's most honourable Privy Council, that such as are, or shall be, appointed governors of any of his Majesty's plantations (Tangier excepted) to take the oaths appointed to be taken by the acts of navigation and trade. (*C. J.*, IX. 244.)

Session of February 4, 1672/3–October 20, 1673 (25 Car. II.).

1672/3.

Feb. 8, HC. A bill to prevent stealing and transporting children, was read.

Resolved, etc., that this bill be read a second time. (*C. J.*, IX. 250.)

Feb. 13, HC. A bill to prevent the stealing away and selling of children, and others, into parts beyond the seas, was read the second time.

Resolved, etc., that the bill be committed to Mr. Crouch, Mr. Otway, Sir John Moreton, Sir Richard Everard, Mr. Maynard, Sir Richard

⁹⁵ No reference is made in the *Commons Journals* to this action. The bill received the royal assent this same day, when Parliament was prorogued (*L. J.*, XII. 515). On Aug. 9 of this year Marvell wrote to a friend in Persia: "The House of Commons has run almost to the end of their line, and are grown extreme chargeable to the King, and odious to the people." Grosart, *Andrew Marvell*, II. 395.

Francklyn, Colonel Gilby, Sir Edw. Masters, Alderman Backwell, Sir Thom. Meeres, Mr. King, Mr. Westphaling, Sir Anthony Irby, Lord Richardson, Sir Edw. Massey, Sir Geo. Downing, Mr. Rigby, Sir John Holland, Sir John Knight, Sir Thomas Allen, Mr. Daniell, Sir Charles Harbord, Sir Trevor Williams, Sir John Covert, Sir Geo. Reeve, Sir Geo. Downing,¹ Sir Edmond Windham, Colonel Birch, Sir John Talbott, Sir Gilbert Gerrard, Mr. Tho. Morrice, and all the members that serve for any port-towns, and merchants of the House: and they are to meet in the Speaker's Chamber, on Saturday next, at three of the clock in the afternoon: and to send for persons, papers, and records. (*Ibid.*, p. 251.)

Feb. 13, HC. Ordered, that a committee be appointed to inquire into the reasons of the decay of the Muscovy, Eastland, and Greenland trade; and by what means those trades may be advanced and improved; and to prepare and bring in a bill if they find cause; and report the matter, with their opinions therein, to the House: and that it be referred to Sir George Downing, Mr. Wood, Sir Will. Lowther, Mr. Love, Sir Will. Doyley, Mr. Jones, Sir Thomas Allen, Sir Edw. Massey, Sir John Pettus, Sir Thom. Meeres, Sir John Knight, Colonel Birch, Sir Charles Harbord, Mr. Ford, Mr. Musgrave, Sir Thomas Bludworth, Mr. Garraway, Colonel Titus, Sir Philip Musgrave, Sir Humph. Winch, and all the members of this House that are merchants, or serve for any port-town; and those that are of the council of trade, and the customs; or any five of them: and they are to meet on Saturday, at two of the clock in the afternoon, in the Speaker's Chamber: and to send for charters, persons, papers, and records.

A motion being made, and a debate arising, for securing and improving the plantation-trade to Virginia, and other places;²

Ordered, that it be referred to the same committee appointed to inquire into the reasons of the decay of the Muscovy, Eastland, and Greenland trade, to consider also of ways and means for securing and improving the trade of Virginia, and other plantations; and to prepare and bring in a bill; or report the matter, with their opinions therein, to the House, as they shall see cause: and all the members that are of the council of trade, and the members that are commissioners of the customs, are added to the committee: with like power to them, or any of them, to make report, or bring in a bill, in this matter, as they are in the former. (*Ibid.*, p. 252.)

Mar. 5, HC. Ordered, that the committee, to which the bill to prevent the stealing and transporting of children and others was committed, be revived; and do sit this afternoon, at two of the clock. (*Ibid.*, p. 262.)

Mar. 22, HC. A bill for regulating the Greenland and plantation trade was read a second time.³

¹ Repetition of the same name above.

² The discontent in Virginia, arising from the navigation acts, is described by Beer, *Old Colonial System*, pt. I., vol. I., pp. 109-114; Bruce, *Econ. Hist. Va.*, I. 356-362. During this session the Virginia merchants had complained to the committee of trade that the New England men carried tobacco and other commodities of the plantations to New England, and thence to foreign nations. *Cal. St. P. Col.*, 1669-1674, p. 475.

³ 25 Car. II. c. 7 (*Statutes*, V. 792). After stating that whale-fishing is a profitable trade, giving employment to numbers of seamen and shipping, and that neighboring

A clause tendered, and twice read, concerning the Eastland trade.

Resolved, etc., that the bill and the said clause be committed to Sir George Downing, Sir Wm. Doyly, Sir Rich. Ford, Sir Trevor Williams, Sir John Talbot, Sir Courtney Poole, Mr. Maynard, Sir Robert Barneham, Sir John Holland, Mr. Hobby, Sir Charles Harbord, Sir Tho. Clergis, Sir John Frederick, Colonel Birch, Sir Ralph Bancks, Sir Rich. Temple, Colonel Strangewaies, Sir Nich. Pedley, Mr. Chetwin, Sir John Lowther, Sir John Knight, Sir Lanc. Lake, Sir Solom. Swale, Sir Phil. Musgrave, Sir Rich. Everard, Sir Anth. Irby, Sir Edw. Masters, Sir John Mallet, Sir Tho. Doleman, Sir Christ. Musgrave, Alderman Bence, Mr. Jones, Sir James Smith, Sir John Birkenhead, Mr. Garway, Mr. Wright, Mr. Culliford, Lord O'Brien, Mr. Wood; and all that serve for London, or any port town: and all that shall come are to have voices: and they are to meet at two of the clock this afternoon, in the Exchequer Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 273.)

1673.

Mar. 25, HC. Sir George Downing reports, from the committee, to which the bill for regulating the Greenland and plantation-trade, and the clause for improvement of the Eastland trade, was committed, several amendments agreed by the committee to be made to the said bill and clause: which he read in his place; and afterwards, delivered the same in at the clerk's table: where the same being twice read, were, upon the question, severally agreed.

Resolved, etc., that the said bill and clause, with the amendments agreed, be ingrossed. (*Ibid.*, p. 275.)

Mar. 27, HC. An act for encouraging the Greenland, Eastland, and plantation trade, was read a third time.

nations make great advantage thereby, not only supplying themselves with oil and fins, but vending into other parts great quantities thereof, and particularly into England where the trade is decayed and lost, it was enacted that all English subjects might resort to Greenland, Newfoundland, and other colonies and plantations, for whaling and fishing, and might import oil, blubber, and fins duty free, if taken and imported in English ships. If such captures and imports were made in colonial vessels, oil was to pay 6 s. per ton, and fins 50 s. If caught in colonial, but imported in English vessels, these duties were to be one-half. For foreign fishing, oil was to pay £9 and fins £18. English ships taking advantage of this act were to go to Greenland from England, and were to be victualled for such voyages under the attest of the collector of the port. This act also supplemented the earlier navigation acts, providing that if any vessel should lade any of the enumerated commodities of these acts, and also cocoanuts, without first giving bond to take them to England, and nowhere else, then the following duties were to be paid: white sugar per cwt., 5 s.; brown and muscovado, 1 s. 6 d.; tobacco per lb., 1 d.; cotton-wool, ½ d.; indigo, 2 d.; ginger per cwt. 1 s.; logwood per cwt. [ton?], £5; fustic and other dyewoods per cwt., 6 d.; cocoanuts per lb., 1 d. These duties were to be levied by the commissioners of the customs in England and if there was not cash to pay them, a proportion of the commodities was to be taken in lieu thereof. For discussions of this act, see Scott, *Joint-Stock Companies*, II. 75; Beer, *Old Colonial System*, pt. I., vol. I., pp. 80-84, especially the foot-notes. No mention is made in the *Journals*, or in other printed reports, of the first reading of the bill. As the committee, appointed Feb. 13 (see *supra*) to prepare the bill, was ordered to meet on Saturday the fifteenth, it must have been presented some time after the seventeenth, the House not meeting on this last day.

Resolved, etc., that the said bill do pass: and that the title be, An act⁴ (*Ibid.*, p. 279.)

Mar. 27, HL. A message was brought from the House of Commons, by Sir George Downing and others; who brought these bills following, to which they desired their Lordships concurrence:

I. An act for the encouragement of the Greenland and Estland trades, and for the better securing the plantation trade. (*L. J.*, XII. 575.)

Mar. 27, HL. *Hodie 1a vice lecta est billa*, An act for the encouragement of the Greenland and Estland trades, and for the better securing the plantation trade. (*Ibid.*, p. 576.)

Mar. 28, HL. *Hodie 2a vice lecta est billa*, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade.

Ordered, that the consideration of this bill is committed to the same committee as the bill to repeal a clause in a former act to prohibit salesmen from selling fat cattle.⁵ (*Ibid.*, p. 577.)

Mar. 29, HL. The Earl of Craven reported, that the committee have considered the bill for encouragement of the Greenland and Eastland trades; and do think it fit to pass as it is. Then,

Hodie 3a vice lecta est billa, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade.

The question being put, whether this bill shall pass?

It was resolved in the affirmative. (*Ibid.*, p. 579.)

Mar. 29, HL. A message was sent to the House of Commons, by Sir William Beversham and Sir William Lowe⁶

Also to acquaint them, that this House have passed

The bill for the encouragement of Greenland trade, etc. (*Ibid.*, p. 581.)

Session of October 27–November 4, 1673 (25 Car. II.).

1673.

Nov. 3, HC. A bill being tendered, and read, to prevent stealing and transporting children, and other persons; but the manner of it being disliked, the bill was withdrawn, upon the question.

Ordered, that it be referred to Sir John Knight, Mr. Boscowen, Colonel Birch, Sir Thom. Meeres, Mr. Powle, Mr. Maynard, Sir Anthony Irby, Mr. Sacheverell, Sir Thom. Lee, Sir John Shaw, Sir John Birkenhead, or any three of them, to bring in a bill to prevent the stealing and transporting children, and other persons: and they are to meet on Thursday, at three of the clock, in the Speaker's Chamber. (*C. J.*, IX. 286.)

Nov. 3, HC. Then Mr. Thomas Morris tendred a bill for preventing of stealing away children and making it felony without clergie, but be-

⁴ The omission is in the *Journals*.

⁵ The names of this committee are given on this same page of the *Journals*.

⁶ *C. J.*, IX. 281. Royal assent was given to the bill this same day (*L. J.*, XII. 584). On July 8, 1674, the council of Barbados ordered that this act be forthwith published in the parish churches. *Cal. St. P. Col.*, 1669-1674, p. 597.

cause it was thought there was an office in the belly,¹ it being provided that all that go over to the plantacions as servants shall enter their names somewhere, the house which is allwayes averse to any project of that nature would not receive it, or go on upon it, though it had been once read, but ordered him to withdraw it, and ordered a committee to bring in another for that purpose. (Add. MSS. 22467, f. 128.)²

Session of January 7-February 24, 1673/4 (25 Car. II.).

1673/4.¹

Jan. 17, HC. The House then resumed the adjourned debate concerning the Lord Arlington.³

The fourth article being, that the said earl, presuming to trample upon all estates and degrees of the subjects of this realm, the better to subdue them to his will and pleasure; hath causelesly and illegally imprisoned many of his Majesty's subjects;

And information being given of an illegal commitment of Sir Thom. Muddiford, and his son, to the Tower

Ordered, that Sir John Robinson, lieutenant of the Tower, do, on Monday morning next, produce all the warrants of the commitment of Sir Thomas Muddiford, and his son

And that Sir Thomas Muddiford, and his son, do attend the House on Monday morning.

Ordered, that Sir John Mallett, Sir Cha. Wheeler, Sir John Coventry, Colonel Birch, Sir John Hammer; or any three of them, do go home with Sir John Robinson, and peruse the several warrants of commitment and discharge, which he is to bring on Monday morning; and the books of entries thereof; and report the matter to the House. . . . (C. J., IX. 295.)

¹ *I. e.*, an office to be created.

² Journal of Sir Edward Dering; see note 37, p. 368, *ante*.

³ In March, 1672, war was for the third time declared against the Dutch. At the opening of this session, Jan. 7, following the king's speech, the Lord Keeper, Sir Heneage Finch, reviewing the negotiations for peace that had been conducted at Cologne, complained that there had been "a total omission of any regulation of trade in the Indies". (C. J., IX. 288; L. J., XII. 596.) On Jan. 12, during the debate on the king's speech, Secretary Coventry, referring to the war, said, "it is not England they covet, but the plantations, to ruin your traffic and trade . . . They that are upon the plantations are poor; we have the profit of them; if they were in the Hollanders hands, and they may have free trade, by the Hollanders temptations, and we low, we are in danger . . ." Mr. Garway added that if the war continued, "your act of navigation will be of no use". (Grey, *Debates*, II. 230, 231; erroneously given under date of Jan. 22 in Cobbett, IV. 622.) A treaty, known as the Peace of Westminster, was signed at London Feb. 9, 1674, by the terms of which the Dutch restored New York which they had captured in the previous July. (F. G. Davenport, *Treaties*, vol. II, doc. 68; Dumont, *Corps Dipl.*, vol. VII, pt. I, p. 253.) With the exception of the entry of Jan. 24 below, no further references to America appear in the proceedings and debates on these negotiations with the Dutch. C. J., IX. 298, 299, 300, 302; L. J., XII. 616-618, 619, 621, 622, 623, 625, 626; Grey, *Debates*, II. 338-341, 343-349, 350-357, 375-377.

² A member of the "Cabal" ministry, whose impeachment on charges stated in the *Journals*, pp. 293-294, was unsuccessful. For his biography, see Violet Barbour, *Henry Bennet, Earl of Arlington, Secretary of State to Charles II.* The Modyford incident here referred to is fully set forth in the debate following.

Jan. 17, HC. Sir Gilbert Gerrard: Three millions of money have passed through his hands upon record. He illegally and causelessly imprisoned Mr. Charles Muddiford, and hopes that a person better acquainted with the thing will inform you of it.

Sir John Mallet: He has heard of this case of Sir Thomas Muddiford's, who was long in the Tower, and did think to have presented it by way of petition himself; but has had generous thoughts, not to add load, or weight, of accusation, on a person that has so much weight charged upon him already. In 1663, Sir Thomas Muddiford was governor of Jamaica, and did his duty there;³ he improved trade ten times more considerably than it was before, as will appear by the island's address of thanks to the king.⁴ It was suggested to the king by Lord Arlington, that he was not so useful, and he procured an order to place another in his stead;⁵ and his son being a considerable man of trade, this young gentleman was committed to the Tower, not for his own crime, as appears by the warrant, but his father's.⁶ They seized all his paper and accounts, and he stood nine months committed to the Tower, to his great disadvantage; but all was for inspection into his father's estate, of which likewise he was to give an account; but whether by the lieutenant of the Tower's favour, or how, he was set at liberty, but remanded shortly after prisoner.⁷ About that time, his father was brought over prisoner, by a lieutenant and two files of musqueteers, and so sent to the Tower close prisoner, and had no opportunity to speak with his son, where he lay a year. He told him (Mallet) that he was advised to move for a habeas corpus, but Mallet did not move, but a serjeant at law did, Serjeant Hopkins. The alias Mallet moved for. Can, if required, give a farther account of it in writing. The knight took a Spaniard, that was a pirate, and, by his getting a vast estate, was, by means of the Spanish ambassador, imprisoned. Several solicitors proposed to Mallet, if Sir Thomas would give three thousand pounds, he should be released.

Sir John Robinson, lieutenant of the Tower: Thinks that the warrant he received for the commitment of Mr. Charles Muddiford, when he was committed to his custody, was by the king's warrant, and so was his father's, Sir Thomas; but cannot charge his memory with it.

*Mr. Sacheverell:*⁸ Would know, whether he was restrained by a verbal order.

Sir John Robinson: Mr Muddiford had leave from him to go out of the Tower, but broke his word with him; but upon his friends advice came to him again.

³ His appointment was made Feb. 15, 1663/4. *Cal. St. P. Col.*, 1661-1668, p. 185.

⁴ *Cf. id.*, 1669-1674, p. 129.

⁵ Sir Thomas Lynch, appointed Jan. 5, 1670/1. *Ibid.*, pp. 147, 152.

⁶ The warrant for the son was dated May 16, 1671; for the father, Nov. 17. *Ibid.*, pp. 218, 272, 273.

⁷ For the pretended excuse that his grandmother was dying, Modyford had been allowed to leave the Tower. He later returned, and again made his escape (Grey, *Debates*, II. 341-343). Nov. 20, 1671, upon the commitment of his father, he was discharged (*Cal. St. P. Col.*, 1669-1674, p. 273). On Jan. 26, 1673/4, he petitioned the Commons against Robinson, lieutenant of the Tower, apparently for dereliction of duty in allowing him to leave prison. The hearing was set for Jan. 31, but no further action seems to have been taken. *C. J.*, IX. 299; Grey, *loc. cit.*

⁸ William, representing Derbyshire.

Sir Thomas Lee: Would have you order that these warrants of commitment be brought you by the lieutenant on Monday. . . . (Grey, *Debates*, II. 298-300.)

Jan. 19, HC. The House then resumed the adjourned debate of the matter, concerning the Lord Arlington.

Colonel Birch made report of the proceedings of the committee appointed, on Saturday, to peruse the warrants of commitment and discharges of Sir Thomas Muddiford, and others, committed to the Tower: the copies of which being by him read; and the original being delivered in by the lieutenant of the Tower; and, after the debate of the matter, re-delivered to him again (*C. J.*, IX. 295.)

Jan. 19, HC. *Colonel Birch* reports, that, according to command of the House, he, with the rest, etc., went with the lieutenant to the Tower, where the lieutenant treated them with great civility, as he does all persons. They went first to dinner, and then to business; but saw the warrants and the books before dinner. *Then he reads the order by which they went.* They saw some warrants not mentioned in the order, but perused them all; he supposes they were warrants of commitments that were debated in the House. The first warrant in debate before you was, "The commitment of Charles Muddiford, gentleman", of which they took copies, *viz.*, "The body of Charles Muddiford, gentleman, whom you are safely to keep, yet so as to have the liberty of the Tower, for matters of misdemeanor committed by his father. By the King's command, Arlington". In the lieutenant's book of entries, the very leaf before the entry of this warrant is taken out, part of the stitches remaining in three places. Upon debate, the lieutenant called to mind another warrant, which had some mistake in it, which he took back to Sir Joseph Williamson, and had another instead. The next was "The commitment of Sir Thomas Muddiford", signed above "*C. Rex*", and subsigned "Arlington" was, "You are to receive into your custody the body of Sir Thomas Muddiford, Baronet, lately arrived from Jamaica, whom you are to keep close prisoner, for several misdemeanors committed by him in Jamaica". The son is discharged, and the father is on his habeas corpus. . . .

Sir John Mallet: The lieutenant of the Tower did tell you of a former warrant for the commitment of Charles Muddiford. In his return from the Tower, he went to Mr Muddiford's lodging, and made enquiry for that warrant, and he showed him a warrant, with only Lord Arlington's hand to it, "to take the body of Charles Muddiford", directed to Richard Ostler, a messenger, and "to seize his books of accounts", and late at night he was committed to the Tower. The first warrant had only Lord Arlington's hand to it, and not the king's.

Sir John Robinson: Cannot say that the king's hand was to the first warrant, or not to it. Will not say the leaf was torn out, or not torn out of the book, but is sure there was nothing in it concerning Charles Muddiford. The king's hand was to have been to it, the warrant running "Trusty and well-beloved". In the secretary's books there was no other warrant.

Sir Charles Wheeler: It is notorious that here were two warrants, and believes that there were two to the lieutenant; one was some time delivered

out of his hand. It is certain there was another warrant, which mentions "papers and books".⁹ He scruples the "*Charles Rex*", which is more suitable to the character of the rest of the letter, and some kindred to the rest of the warrant, and is not as the king usually writes. Takes farther notice that the warrant was some time out of the lieutenant's hand, with an under-clerk. . . . (Grey, *Debates*, II. 301-303.)

Jan. 24, 1667, HC. The proposals of the Dutch.

1. That the treaty made at Breda 1667¹⁰ and the marine treatie made at the Hague 1668¹¹ shall stand good.

2. That the articles of the flagg shall be fully cleared so that whole fleets of the Dutch shall strike saile to any one man of war of his ma'ties in the british seas.¹²

3. That they will restore all islands they have taken since the beginning of this warr particularly New Netherland in America.¹³

4. That they will suffer his ma'ties subjects in Surinam to come away with their goods and slaves.

5. That they will within 3 moneths after the conclusion of this treatie, send commissioners to treat with others to be appointed by his ma'tie for a just and equall and reciprocall regulation of trade and commerce in the Indies and elsewhere.

6. That they will pay the king 800,000 patacoones¹⁴ which make almost 200,000 pound sterling—one 4th upon the ratification of this treatie and the rest by 3 payments in three years following, and may offer the garanties of their allies to make this good.

So that in fact they offer all the king did insist upon in his reply to the memoriall given in by the Spanish embassadour, except only the fishing which they say they do hold as their people had held the same for some ages past, and that it never yet was insisted upon to be settled on anybodie, and yet it had been so ordered as the nacions had lived in constant peace and friendship.

The house would not enter into the debate but adjourned it till Monday morning ten of the clock. (MS. volume [of Sir Edward Dering] possessed by the Massachusetts Historical Society.)¹⁵

Jan. 26, 1667, HC. Ordered, that leave be given to bring in a bill to prevent the transportation of persons into prisons beyond the seas: and that no persons be imprisoned here, but in lawful prisons. (*C. J.*, IX. 299.)

⁹ *Cal. St. P. Col.* (1669-1674, p. 273) mentions a warrant to Robert Oseler to search for and take into custody Charles Modyford, and seize his papers and writings; a similar warrant to deliver Modyford to the lieutenant of the Tower or his deputy; and a warrant to the latter to take the prisoner and detain him (giving him the liberty of the Tower), for matters relating to misdemeanors committed by his father.

¹⁰ See Davenport, *Treaties*, vol. II., doc. 57.

¹¹ Feb. 17. See Dumont, *Corps Dipl.*, VII., pt. I., p. 74.

¹² On the custom of striking the flag and its enforcement against the Dutch see T. W. Fulton, *Sovereignty of the Sea*, pp. 204-206, and numerous references in index under "Striking by Dutch".

¹³ In July, 1673, the Dutch recaptured New York and held it until the following year, when it was restored to the English. *Cal. St. P. Col.*, 1669-1674, pp. 520-522, 532-533.

¹⁴ Spanish or Portuguese dollars.

¹⁵ Covering the periods Jan. 7-Feb. 24, 1673/4; Oct. 21-Dec. 5, 1678; Mar. 6-24, 1678/9. The identity of the writer is made certain from the internal evidence furnished by the book, compared with corresponding references in the *Journals*.

Jan. 27, HC. A bill to prevent the imprisoning of the subjects in illegal prisons; or sending them to prisons beyond the seas, was read the first time.

Resolved, etc., that this bill be read a second time, on Thursday, after ten of the clock. (*Ibid.*)

Jan. 29,¹⁶ HC. A bill to prevent the imprisonment of the subjects, in illegal and secret prisons, or places beyond the seas, was read the second time: and several debates having been had thereupon;

Resolved, etc., that the bill be committed, upon the debates of the House, to Sir Thomas Lee, Sir Will. Doyley, Mr. Attorney General,¹⁷ Sir John Trevor, Sir Thomas Meres, Mr. Westphaling, Mr. Ford, Serjeant Maynard, Mr. Boscowen, Sir John Mallet, Mr. Weld, Sir John Duncombe, Mr. Secretary Coventry, Mr. Stockdale, Sir Courtney Poole, Sir John Otway, Sir John Moreton, Mr. Rigby, Mr. Crouch, Sir Rich. Temple, Sir Char. Wheeler, Sir Nich. Carew, Sir John Hanmer, Mr. Waller, Lord St. Johns, Sir Will. Coventry, Colonel Birch, Sir Robert Carr, Mr. Sawyer, Sir Herbert Price, Mr. Streete, Sir Trevor Williams, Lord Obrian, Mr. Palmes, Sir Thomas Bide, Sir Thom. Clergis, Mr. Oakely, Sir Anth. Irby, Mr. Powle, Sir Eliab Harvey, Mr. Garraway, Sir John Mounson, and all the members that serve for the county of Yorke: and all that come are to have voices: and they are to meet this afternoon at three of the clock, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 300.)

Feb. 3, HC. Sir John Mallet reports from the committee, to which the bill to prevent imprisonment of the subjects in illegal and secret prisons or places beyond the seas was committed, some amendments agreed by the committee to be made, and a proviso to be added, to the said bill: which he read, with the coherence, in his place; and afterwards delivered the same in, at the clerk's table: which amendments being twice read; and, upon the question, severally agreed;

Resolved, etc., that the bill, with the amendments and proviso agreed to, be ingrossed. (*Ibid.*, p. 303.)

Feb. 7, HC. The ingrossed bill, to prevent the illegal imprisonment of the subject, was read; and the last proviso in the bill, upon the question, ordered to be omitted:¹⁸

Which being cut off from the bill;

Resolved, etc., that the bill do pass: and that the title be, An act to prevent the illegal imprisonment of the subject: and Sir Thomas Lee is to carry up the bill to the Lords for their concurrence.¹⁹ (*Ibid.*, p. 305.)

¹⁶ Jan. 28, during debate in the Commons upon the petition of Bernard Howard, son of the Earl of Arundel and brother to Thomas duke of Norfolk, containing an oath he would take, exempting him thereby from the penalty of the law against recusants, Sir Charles Wheeler stated that "in Barbadoes, they are so much of the temper of indifference in Christianity, that, in the judicial courts, if they swear upon their belief of the books of Moses, it is sufficient". Grey, *Debates*, II. 360.

¹⁷ Sir Francis North.

¹⁸ Something of the nature of the proviso is disclosed in the debate following.

¹⁹ *L. J.*, XII. 631, Feb. 9.

Feb. 7, HC. The habeas corpus bill was read the third time.

Imprisonment beyond the seas, out of the reach of habeas corpus, declared illegal; persons offending incapable of bearing offices, and receiving legacies; penalty upon the King's Bench for offence in refusing, etc.

Serjeant Maynard: A clause this that will occasion great trouble, being very general, the person aiding "incapable of having any gift, or legacy, etc.". You put a proof upon, it may be, two mariners, forty years after. You must put it to a very short time.

Sir Thomas Lee: Maynard is mistaken; it is "from and after conviction", and then, *caveat emptor*. The House is satisfied, and moves an amendment, the bill having no preamble, which he proposes—"Forasmuch as no subject can be transported without his own consent, etc."

Mr. Powle:²⁰ Is not much acquainted with the bill, and, if he mistakes, begs pardon. Something, that, instead of preventing transporting men, does establish it, by the last proviso, *viz.*, "that the judges may have power to transport for felony, to be tried in Scotland, etc., where the offence was committed". As the law now is, no man can be tried but in the proper county.

Mr. Boscawen:²¹ It is a great mistake. The law, by this bill, is left as it was.

Mr. Garroway:²² Powle, speaking against this, speaks for throwing out the bill. Do you mean this should be a place of refuge for all villainy done beyond sea? The law is left as you found it.

Mr. Hampden:²³ To "the proviso for felony committed in Scotland, and transporting to the plantations". The justices of the King's Bench have no such power now; and if an allegation lie against a man, shall that be an offence? If this refer to a future tryal, it is said, he has committed an offence, and that is judged.

The Speaker:²⁴ This is not an enacting proviso, "only it shall be lawful for the judges, etc.". The law remaining as it was before, any thing notwithstanding, etc.

Sir Richard Temple: The King's Bench cannot judge whether an offence has been done in the plantations, or no, and therefore it is not safe.

Sir Thomas Lee: Thinks that inconveniency less than the "transporting people". Would leave out the proviso.

Mr. Secretary Coventry: If you leave out the proviso, here is a failure in law, against a maxim; they will have tryal no where.

The proviso was left out.

Sir Charles Harbord: Here is more in the preamble than in the whole bill besides, proffered by Lee, that brought it in, and would not admit it. (*Grey, Debates*, II. 389-390.)

Feb. 11, HL. *Hodie ia vice lecta est billa*, An act to prevent the illegal imprisonment of the subjects of England. (*L. J.*, XII. 633.)

²⁰ Harry Powle, representing Cirencester.

²¹ At this time Edward Boscawen was representing Truro in Cornwall, and Hugh, Tregoney in the same county.

²² William Garway, or Garroway, member for Chichester.

²³ Richard, member for Wendover.

²⁴ Edward Seymour.

Feb. 17, HL. *Hodie 2a vice lecta est billa*, An act to prevent the illegal imprisonment of the subject.

Ordered, that the consideration of this bill is committed to these Lords following: L. Privy Seal, L. Steward, *Comes* Bedford, *Comes* Dorset, *Comes* Sarum, *Comes* Bridgwater, *Comes* North'ton, *Comes* Denbigh, *Comes* Bollingbrook, *Comes* Berks, *Comes* Dover, *Comes* Scarsdale, *Comes* Carlile, *Comes* Burlington, *Comes* Arlington, *Comes* Shaftsbury, *Vicecomes* Fauconberg, *Vicecomes* Hallyfax, Bp. London, Bp. Sarum, Bp. Rochester, Bp. Exon., Bp. Chester, *Ds.* Paget, *Ds.* Howard, *Ds.* Newport, *Ds.* Bellasis, *Ds.* Crofts, *Ds.* Berkeley de Str., *Ds.* Holles, *Ds.* Arundell de Trer., *Ds.* Fretchville.

Their Lordships, or any five of them; to meet on Saturday next, at three of the clock in the afternoon, in the Prince's Lodgings.²⁵ (*Ibid.*, p. 640.)

Session of April 13-June 9, 1675 (27 Car. II.).

1675.

Apr. 19, HC. A bill to prevent the sending of his Majesty's subjects prisoners into parts beyond the seas, was read the first time.

Resolved, etc., that this bill be read a second time. (*C. J.*, IX. 319.)

Apr. 22, HC. A bill to prevent the illegal imprisonment of the subject was read the second time.

Resolved, etc., that the said bill be committed to Mr. Sacheverall, Sir Wm. Coventry, Sir John Mallett, Sir Robert Barnham, Sir Tho. Lee, Sir John Holland, Sir John Knight, Sir Hen. Goodrick, Sir Edm. Jennings, Sir Wm. Francklyn, Lord O Bryan, Mr. Sawyer, Sir John Moreton, Mr. Powle, Sir John Dony, Mr. Hopkins, Mr. Buscoven, Sir Samuel Bernardiston, Mr. Palmes, Mr. Stockdale, Mr. Churchill, Sir Anth. Irby, Sir John Heath, Sir Tho. Meres, Sir Lanc. Lake, Sir John Hubbard, Sir Nich. Carew, Lord Cavendish, Mr. Richard Leigh, Col. Kirkby, Sir John Hotham, Sir Richard Francklyn, Mr. Serjeant Maynard, Sir Franc. Drake, Sir Cha. Harbord, Sir Wm. Hickman, Mr. Garraway, Sir Geo. Downing: and all that come are to have voices: and they are to meet to-morrow at two of the clock in the afternoon, in the Speaker's Chamber: and to send for persons, papers, and records. (*Ibid.*, p. 321.)

Apr. 27, HC. Ordered, that leave be given to Sir George Downing, to bring in a bill for ascertaining the rates as to rough jewels, ginger, and corn ground, which shall be imported; and also of setting a rate on piamiento, or Jamaica pepper, and cocoa-nuts.¹ (*Ibid.*, p. 325.)

Apr. 29, HC. A bill for laying an imposition upon meal, and setting of rates on other commodities imported, was read the first time.

Resolved, etc., that this bill be read a second time. (*Ibid.*, p. 326.)

²⁵ No report was made on this bill, and on Feb. 24 Parliament was prorogued, it being the second session in which no bill was passed.

¹ This bill was committed, but did not pass. From June 25, 1671, to Mar. 25, 1679, 177 tons of ginger and 134½ tons of pimento were exported from Jamaica (*Cal. St. P. Col.*, 1677-1680, p. 344). By the act of 1673, a duty of 1 *d.* per lb. had been imposed upon cocoanuts, if exported elsewhere than to England. See p. 399, note 3, *ante*.

May 5, HC. Sir Thomas Lee reports, from the committee to which the bill to prevent the illegal imprisonment of the subject was committed, some amendments agreed to by the committee: which he read, with the coherence, in his place; and after, delivered the same in at the clerk's table: and the same being twice read; and agreed;

A proviso was tendered, to be added to the bill: which was twice read; and agreed.

Resolved, etc., that the bill, with the amendments and proviso agreed to, be ingrossed. (*Ibid.*, p. 330.)

May 6, HC. An ingrossed bill to prevent illegal imprisonment of the subject was read.

Resolved, etc., that the said bill do pass: and that the title be, An act to prevent illegal imprisonment of the subject. (*Ibid.*, p. 331.)

May 6, HL. A message was brought from the House of Commons, by Sir Thomas Lea and others; who brought up a bill, intituled, An act to prevent illegal imprisonment of the subject. (*L. J.*, XII. 681.)

May 8, HL. *Hodie 1 vice lecta est billa*, An act to prevent illegal imprisonment of the subject. (*Ibid.*, p. 683.)

May 10, HL. Ordered, that the bill against illegal imprisonment of the subject shall be read the second time on Wednesday morning next. (*Ibid.*, p. 685.)

May 12, HL. *Hodie 2a vice lecta est billa*, An act to prevent illegal imprisonment of the subject.

Ordered, that this bill is committed to the committee of the whole House; to be taken into consideration on Tuesday morning next.² (*Ibid.*, p. 689.)

May 17, HC. A bill for laying an imposition upon meal, and other commodities imported, and for settling of rates on some commodities, imported or exported, was read the second time: and several matters being offered to be added, and other debates arising;

Resolved, etc., that the bill be committed, upon the debates of the House, to a committee of the whole House: and that the House do resolve into a committee of the whole House on Friday morning next, after ten of the clock. (*C. J.*, IX. 339.)

Session of October 13–November 22, 1675 (27 Car. II.).

1675.

Oct. 19, HC. A bill to prevent the illegal imprisonment of the subject, was read the first time.

Resolved, etc., that this bill be read a second time on Saturday next, at ten of the clock in the morning. (*C. J.*, IX. 360.)

Oct. 26, HC. Resolved, etc., that a committee be appointed to bring in a bill to explain and ascertain the duties on iron and brass ordnance, iron shot, copper as exported, ginger of the plantations imported, jewels im-

² This was the same bill which failed in the last session. On June 4 the House reminded the Lords of the bill, but no further action was taken on it (*L. J.*, XII. 723). It was again introduced in the next session.

ported, cocoa imported, meal and flour, or corn ground, duffles imported, worsted and woollen womens stockings exported, thread and cotton gloves, stockings, and socks, exported, gun-powder exported, fish oil of Greenland, and the plantations exported, and whale fins of Greenland's plantations, exported, soap exported, Jamaica pepper imported, thread imported; and to take consideration of regulating officers fees belonging to the customs: and it is referred to Sir Geo. Downing, Colonel Birch, Mr. Hopkins, Sir Thomas Clergis, Sir John Fagg, Mr. Streete, Mr. Wright, Mr. Child, Sir John Duncombe, Sir Wm. Doyley, Sir Richard Ford, Sir Robert Dillington, Sir Cha. Harbord, Sir Tho. Littleton, Sir Robert Holmes, Mr. Garraway, Sir Thom. Lee, Sir Sam. Bernerdiston, Mr. Boscowen, Mr. Papillon, Sir Robert Carr, Captain Jones, Sir John Knight, Mr. Jolliffe, or any three of them, to prepare and bring in the said bill.¹ (*Ibid.*, p. 364.)

Nov. 2, HC. Ordered, that the bill to prevent the illegal imprisonment of the subject, be read to-morrow morning. (*Ibid.*, p. 366.)

Nov. 3, HC. A bill to prevent the illegal imprisonment of the subject, was read the second time.

Resolved, etc., that this bill be committed to Mr. Sacheverill, Mr. Russell, Mr. Stockdale, Mr. Williams, Mr. Eyres, Sir Wm. Hickman, Sir Eliab Harvey, Sir Richard Ford, Mr. Maynard, Sir John Coriton, Sir Tho. Clergis, Sir Nich. Carew, Sir Rob. Barnham, Col. Birch, Sir Fran. Roll, Sir John Mallett, Mr. Westphaling, Sir Tho. Littleton, Sir John Bennett, Mr. Culliford, Sir Richard Francklin, Sir Wm. Coventry, Sir John Coventry, Sir Anth. Irby, Sir Trevor Williams, Sir John Knight, Mr. Morris, Mr. Serj. Maynard, Sir Hen. Ford, Sir Copleston Bampfild, Sir Hen. Capell, Sir Geo. Downing, Sir Wm. Blackett, Sir Fra. Drake, Sir Tho. Meres, Sir John Barnaby, Mr. Mallett,² Mr. Newport, Sir Cha. Harbord, Sir Rowland Birkley, Mr. Powle, Sir Hen. Goodrick, Lord Cavendish, Mr. Lewis, Sir Wm. Lowther, Mr. Palmes, Sir Tho. Mompesson, Sir John Lowther, Sir John Dawney, and all the gentlemen of the long robe: and all that shall come are to have voices: and are to meet to-morrow, at two of the clock in the afternoon, in the Speaker's Chamber.³ (*Ibid.*, p. 367.)

Session of February 15, 1676/7–May 13, 1678 (29–30 Car. II.).

1676/7.

Feb. 22, HC. Sir John Trevor reports, from the committee to whom it was referred to peruse such bills as were depending the last session;

¹ Not presented. During the debate Oct. 23 on a proposed bill for lessening the duty on exported coal, Sir George Downing said that "plantations, the fishery, and coal trade, are the three great nurseries of seamen". Grey, *Debates*, III. 333.

² Besides John, above named, there was Michael, sitting for Milborne Port.

³ Nov. 10, "upon a proffer to report the Bill of illegal Imprisonment, etc., the Speaker jestingly said, 'it should be reported next after Sir William Killegrew's bill [for settling the draining of Lindsey Level]'". (*Ibid.*, p. 435.) The bill was not reported. Parliament was prorogued on Nov. 22, for a period of 15 months. Because the recess exceeded a year, it was debated at length at the new session whether, in accordance with ancient laws, Parliament had not been dissolved. *L. J.*, XIII. 42, 49, 54–55, 61, 64–65; Grey, *Debates*, IV. 81 *et seq.*; Cobbett, IV. 814 *et seq.*

and to report and present to the House such bills, with breviats to them, as they should think most fit to be proceeded in, and dispatched; that they had perused and prepared some of those bills which the committee thought fit to be proceeded in: the titles whereof he read in his place; and afterwards, delivered the same in at the clerk's table: which are as followeth; *viz.*

A bill to prevent imprisonment of the subject in illegal and secret prisons or places beyond the seas.

Resolved, etc., that this House doth agree with the said committee, that the said bills are fit to be proceeded in. (*C. J.*, IX. 386.)

Feb. 22, HC. Ordered, that leave be given to bring in a bill to ascertain the duty on ginger imported from the English plantations, and on rough diamonds, jewels, and cocoa, and on garments.¹ (*Ibid.*)

Mar. 1, HC. A petition of the shoemakers, and several other manufactures of leather, was read.

Resolved, etc., that this petition be referred to the same committee to which the bill for reviving and continuing an act for exportation of leather, stands committed; to take the petition into consideration; and report the matter, with their opinions, to the House.² (*Ibid.*, p. 390.)

Mar. 7, HC. A petition of John Wise, William White, Robert Stephens, and Perient Trott, of London, merchants of the Bermudas Company, on the behalf of themselves, and divers others of the said company, and many of the planters within the said island, was tendered and received.

Ordered, that the House will to-morrow morning proceed to the consideration of the said petition.³ (*Ibid.*, p. 394.)

¹ See pp. 408-409, *ante*. This bill was committed, but was not reported.

² In the last two sessions efforts were made in the House of Commons to continue and revive an act for giving liberty to buy and export leather and skins (19-20 Car. II. c. 10), which had modified 14 Car. II. c. 7 (p. 296, *ante*). A bill was again brought in, and on this day was read the second time and committed (*C. J.*, IX. 390). The petition here referred to asked that the bill be dismissed, or that the petitioners be heard. The shoemakers appeared before the committee and stated "that their trade would be spoiled by the bill, by reason of the many persons they set on work for boots and shoes for the plantations". To which it was replied by the leather-sellers "that formerly, when exportation of leather was not permitted, the custom entry was near as much as since the prohibition". (Grey, *Debates*, IV. 159.) The bill passed the Commons in this and several succeeding sessions, but was not accepted by the Lords until 1685 (1 Jac. II. c. 13).

³ On Jan. 12 of this year these same merchants, in a petition to the crown for free trade in the islands, complained against the company's law which forbade members to send commodities to the Bermudas in their own ships; that the annual ship of the company, which alone was allowed to engage in this trade, was unequal to the demands of the island; and that foreign ships had been licensed by the governors to carry away tobacco contrary to law. In reply, the company stated that the magazine ship was seldom or ever fully freighted, and that Trott had the same liberty as other members of the company to send out his merchandise and bring home his tobacco in this vessel. (Lefroy, *Memorials of the Bermudas*, II. 448-449; *Cal. St. P. Col.*, 1677-1680, pp. 5-6.) The Privy Council on Jan. 26 found no cause to alter the company's method of managing its trade, and so dismissed the petition (*Acts P. C. Col.*, I. 685, 686-687). These insurgents in the company, having failed with the executive, now brought the matter before the House of Commons with no better success, since the committee to which the matter was referred made no report. Cf. Lefroy (*loc. cit.*, p. 511 n.), who does not identify this petition with the former one, but states that it had reference to the exaction of fees, oaths, and bonds, as well as the granting of passes for ships. For some account of Trott's difficulties with the company, see Scott, *Joint-Stock Companies*, II. 294-295.

Mar. 7, HC. *Mr. Pepys*:⁴ He knows not in his life any public thing that has gone through so many scruples as this of passes has done. . . . Formerly, a master of a ship might have three passes in his hand, at several comings in and goings out; so that there was a necessity of limitations. Passes for ships to the Indies are not limited to a year, but for their voyage; and expresses are sent to Algiers of the passes granted out. The Newfoundland passes, or for the Streights, are but for a year: but at the same time, another pass begins at the expiration of the former. There is but 100*l.* bond taken, and that only for the return of the pass; only to prevent passes being in hands for an unlimited state of time. The oath is, that the propriety of the goods carried are truly so. We have Dutch owners that will accept any oaths; so this is only to secure the propriety of the goods that they are English goods, and shipped upon Englishmens accounts. This is complained of only in little out-ports, where scores of passes have been detected forged. He believes from his heart what he has delivered is not to be mended. . . .

Mr. Garroway: 'Tis past remedy now to avoid these passes, for the present; for the Virginia trade, and the whole wine trade, is as much the king's profit as the merchants, and he would have them cost nothing. . . . (*Grey, Debates*, IV. 207, 214.)

Mar. 8, HC. The House then, according to the order yesterday, took up the consideration of the petition of John Wyse, William White, Robert Stephens, and Perient Trott, merchants, and members of the Bermudas Company, on behalf of themselves, and divers others of the said company, and many of the planters within the said island; complaining, that some of the members of the said company have undertaken to make several arbitrary and illegal by-laws, contrary to their charter; and put the same in execution, to the great grievance and oppression of the petitioners; was read.

And the petitioners who subscribed the said petition, being called in to the bar of the House; and owning the petition; and taking on them to make out the contents of it;

Resolved, etc., that it be referred to Mr. Powle, Sir Wm. Terringham, Mr. Swinfen, Mr. Crowch, Sir Geo. Downing, Col. Byrch, Sir Nico. Slaning, Sir Sam. Barnardiston, Mr. Love, Mr. Marvell, Sir Cha. Wheeler, Sir Wm. Thompson, Sir Trevor Williams, Sir Robert Howard, Sir Hen. Capell, Sir Cha. Harbord, Sir John Moreton, Sir Thom. Lee, Sir Antho. Irby, Lord Ancram, Sir John Trevor, Sir Tho. Meres, Sir John Barnaby, Mr. Sacheverell, Sir Tho. Bludworth, Mr. Jolliffe, Mr. Eyres, Sir John Knight, Sir John Mallett, Lord Ashley, Sir John Coventry, Colonel Tho. Howard, Sir Tho. Clargis, Mr. Bennett, Mr. Russell, Sir Eliab Harvey, Mr. Williams, Mr. Solicitor-general,⁵ Colonel Sandys,

⁴ Samuel Pepys, the diarist, secretary for the navy, M. P. for Castle Rising. In the committee of the whole, on grievances. The matter here discussed, the mischiefs and inconveniences arising from the granting of passes for ships, was referred to a special committee. (*C. J.*, IX. 394.) On Mar. 24 report was made that it be recommended to the Admiralty that the granting of passes be made easy for the merchant, and that the obstructions to trade be removed. *Ibid.*, p. 405.

⁵ Sir Francis Winnington, 1674-1679.

Sir Franc. Clarke, Mr. Hambden, Sir John Holmes, Sir Hen. Thompson, Sir Wm. Blackett, Sir Wm. Lowther, Lord Burleigh, Captain Man, Sir Wm. Coventrey, Sir Edward Hungerford, Sir Michael Wharton, Lord Angier, Sir Tho. Littleton, Mr. Boscowen, Mr. Sawyer, Sir James Rushout, Sir John Fagg, Sir John Hotham, Lord Cavendish, Sir Robert Holmes, to examine the matter of the said petition; and to report the same, with their opinions therein, to the House: and they are to meet to-morrow in the afternoon, in the Speaker's Chamber, at two of the clock: and are impowered to send for persons, papers, and records. (*C. J.*, IX. 394-395.)

Mar. 12, HC. *Sir John Ernly*:⁶ The rebellion of Virginia has cost the king 100,000 *l.*

Sir George Downing: In Virginia, the king has a considerable loss. The neglect of one year's planting there, by reason of the rebellion, is a very considerable diminution [*sic*] of the king's revenue. . . . (*Grey, Debates*, IV. 225, 237.)

Mar. 16, HC. Ordered, that Sir Robert Southwell and Sir Richard Franklyn be added to the committee to which the matter touching the Bermudas Company stands referred: and that all the members of this House, that shall come, are to have voices. (*C. J.*, IX. 400.)

Mar. 22, HC. A bill for settling the custom rates for rough jewels, and other commodities, was read.

Resolved, etc., that this bill be read a second time.⁷ (*Ibid.*, p. 403.)

1677.

Mar. 26, HC. A motion was therefore made for a second address upon the same subject.⁸

It was alleged against this address

That it was a dangerous thing hastily to incite the king to a war

That he⁹ would fall upon our plantations, and take, plunder, and annoy them

On the other side, it was said

That as to our plantations and our traders, we must consider, though the French king was powerful, he was not omnipotent, and we might as well defend them as the Dutch do theirs, by guards, convoys, etc., and chiefly when the French have so many enemies, and we shall have so many friends, as no other time is like to afford (*Grosart, Andrew Marvell*, IV. 355-358.)¹⁰

⁶ In the committee of the whole, to consider further supply for the king. The cost to the crown of Bacon's Rebellion had been referred to by Secretary Coventry *Mar. 2*, in a debate on the supply. *Grey, op cit.*, IV. 174.

⁷ This bill, ordered Feb. 22, proposed a duty on plantation ginger. See *ante*, n. 1, p. 409, and the first note of this session.

⁸ An alliance against the French. *C. J.*, IX. 406, 408.

⁹ The French king.

¹⁰ *Account of the Growth of Popery and Arbitrary Government in England*, 1678. Marvell is cited as authority for the account of this debate printed by Chandler, *History and Proceedings of the House of Commons* (London, 1742), I. 249-250. Cf. the report following, from Grey.

Mar. 26, HC. *Mr. Secretary Williamson*: It cannot be the meaning of any gentleman for the king to break into a war tomorrow. For the French, in the first place, will then be masters of our plantations, having ships there, and we none [*Again, after others had spoken:*] And you have all interruption of commerce, and hazard the plantations, and they¹¹ have nothing to recompense you but hopes of their helping you to get Flanders from the French again

Sir Eliab Harvey: We are told "that France will take our plantations from us, should we enter into a war"; but will not that fear be always upon us? They do it already. Never was a better time than now to break with France; for in the end of summer France will make a peace, and then we shall be much more unfit for war than now. He is for war (*Grey, Debates, IV. 309-310, 314-315.*)

Mar. 30, HC. A bill for laying an imposition on rough diamonds, and other commodities, was read the second time.

Resolved, etc., that the bill be committed to Sir Geo. Downing, Sir Wm. Lowther, Sir Hen. Ford, Sir Wm. Blackett, Sir John Knight, Sir Edward Deering, Mr. Love, Mr. Morris, Sir Jos. Tredenham, Mr. Eyres, Sir John Pettus, Sir John Moreton, Mr. Robert Wright, Mr. Spry, Mr. Crouch, Sir John Talbot, Mr. Linfeild, Col. Byrch, Sir John Bramston, Lord O Brian, Sir Wm. Doyley, Col. Sandys, Sir Edm. Jennings, Sir Anth. Irby, Sir Hen. Capell, Sir Edward Hungerford, Capt. Price, Sir John Cotton, Mr. Cheney, Mr. Jolliffe, Captain Jones, Colonel Kirkby, Mr. Harrison, Sir John Lowther, Sir John Knight, and all that serve for the port towns: and they are to meet to-morrow in the afternoon, in the Speaker's Chamber, at two of the clock: and it is referred to the same committee, to consider of an imposition on these goods and merchandizes imported; *viz.* pimento, or Jamaica pepper, meal, flour, and biscuit, and all sorts of woollen manufacture not particularly rated in the book of rates of the customs; and copper ready for battery, and cotton-yarn; and also of an imposition upon the commodities following exported; *viz.* brass and iron ordnance, iron shot, and copperas: and they are empowered to send for persons, papers, and records. (*C. J., IX. 409.*)

Apr. 11, HC. *Mr. Secretary Coventry*:¹² You'll come too late, "with lives and fortunes", if you engage the king in a war, before he be provided for it. Lord Willoughby, governor of Barbadoes and the English plantations, sent an order (but did not prepare forces) to the French governor in St Christopher's, who was in the middle of us there, to be

¹¹ The confederates. The speaker was Sir Joseph Williamson, secretary of state 1674-1678.

¹² In debate upon the king's message of this day, replying to the address for an alliance. Charles suggested that the best remedy against the French would be money for necessary preparations, and he proposed adjournment until after Easter, "to ripen this matter" (*C. J., IX. 418*). The taking of St. Christopher, here referred to, occurred in 1666. See *Cal. St. P. Col.*, 1661-1668, p. 382. On May 21, in further debate on the question of alliances, it was stated that "forty ships of ours, with the help of the Dutch, are a good defence against the French at sea, now that he is so entangled with Sicily, the West Indies, etc.". Chandler, *Hist. and Proc. H. of C.*, I. 260. The speaker was Henry Coventry, secretary of state 1672-1680.

gone in three days. Why should he send such a message? We lived together in great friendship; but it was so ordered, that they fell upon us, and got the island. The thing is, let us consider, whether we be safe at home, before we go abroad—that we be provided with stores and necessities. (Grey, *Debates*, IV. 348-349.)

1677/8.

Jan. 28,¹³ HC, HL. . . . His Majesty made this speech following:
My Lords and Gentlemen

I have gone as far as I could, in repairing the old fleet, and in buying of necessary stores for the navy and ordnance; and in this, and other provisions for better securing both my foreign plantations and the islands nearer home, I have expended a great deal more than the two hundred thousand pounds you enabled me to borrow upon the excise, although I have not found such a credit as I expected upon that security. I have borne the charge both of a rebellion in Virginia,¹⁴ and a new war with Algiers. . . . (L. J., XIII. 130; C. J., IX. 427.)

Feb. 6, HC. *Mr. Secretary Williamson*:¹⁵ As to the naval force, the king is to send to the West Indies, if they be attacked, Holland not having the same proportion of concern there as we. There is nothing asserted in the treaty as to that In the Soundings, and in the mouth of the Western Ocean, forty sail are to be ready, and are to wait for commissions to move as they shall be appointed. . . .

Mr. Secretary Coventry: What will you allot for the Mediterranean Sea, Ireland, and the Indies? If these be not guarded, they will be lost. . . .

Sir Thomas Clarges: 'Tis not the number of ships France has in her ports that can hurt us; they must be manned; and what trade have the French, but to the West Indies?

Mr. Secretary Coventry: All that is asked of you is in relation to a war. Secure it, that whilst you bring the German down, the French do not attempt your islands, and plantations, and Jamaica. . . .

Sir Thomas Littleton: As to the danger of our islands and plantations, the same may be said for Holland, their islands and plantations. . . . (Grey, *Debates*, V. 96-97, 98, 99-100, 107.)

Feb. 8, HC. *Mr. Secretary Coventry*: Now whether you will take Birch's judgment about the usefulness of dragoons, who never was in a war abroad, only in England, I leave it to you. Now having your ports, your fleet, and the Leeward Islands to guard, and Flanders to pre-

¹³ Parliament was adjourned by order of the king from Apr. 16 to May 21, from May 28 to July 16, again to Dec. 3, then to Jan. 15, and finally to this day. Marvell (*Works*, ed. Grosart, IV. 353-406) gives a full account of the dispute between the king and the Commons on foreign relations, on account of which these frequent adjournments were ordered.

¹⁴ Besides the loss to the customs in the diminution of the tobacco crop, three commissioners with 1000 soldiers were sent to the colony to restore peace and to inquire into the causes of the disturbance. Wertenbaker, *Va. under the Stuarts*, pp. 190, 195-197; *Cal. St. P. Col.*, 1675-1676, pp. 455, 459-461.

¹⁵ In committee of the whole, on supply. C. J., IX. 433.

serve, I do not see how you can have less force than is proposed. . . .¹⁶ (*Ibid.*, p. 122.)

Feb. 18, HC. *Mr. Secretary Williamson*:¹⁷ I expect that, under six months provision for this war, the allies will not go along with you in an action that cannot end in nine months. All the Mediterranean and West India fleet must be provided for a whole year, and a magazine must be in the Mediterranean, and the West Indies must be immediately taken care for; all the rest of the war may be so over in nine months that you may have time to deliberate. . . . (*Ibid.*, pp. 174-175.)

Mar. 14, HC. *Sir Thomas Higgins*:¹⁸ To put the king upon a declaration of war, what can that hurt the French? 'Tis not the king's fault that treaties were not sooner perfected. The King of France has a great fleet in the West Indies, and our plantations there lie open. If you desire a declaration of war, judge the condition of those places. For your declaration of war will not help the-confederates, and Spain will stand upon higher terms with you; and these are the reasons why we should not be so hasty to declare war against France. (*Ibid.*, p. 226.)

Session of May 23-July 15, 1678 (30 Car. II.).

1678.

May 25, HC. *Mr. Secretary Coventry*:¹ I am as much for war with the French as any body I must have it well computed what sum must do all this. Holland, when he treats with you, tells you of several quotas for the Indies and the Mediterranean. But when you consider our plantations, rich in stock, though not in money, how can they be preserved? These are things of great consideration, and I hope you will consider before you resolve. (*Grey, Debates*, VI. 5-6.)

May 30, HC. The House then proceeded to the consideration of his Majesty's message.²

Which was by Mr. Speaker read to the House.

Resolved, etc., *nemine contradicente*, that all forces that have been raised since the twenty-ninth of September last, except those which have been sent to the plantations, be forthwith paid and disbanded. . . . (*C. J.*, IX. 485.)

May 30, HC. *Mr. Garroway*: Therefore I move that we may agree in the point, whether to disband the army, or no. And I would

¹⁶ The House, in a grand committee on supply, resolved that during an actual war against France 26 regiments of foot, each of 1000 men, 4 regiments of horse, each of 490, and 2 regiments of dragoons, each of 960, are necessary for the support of the alliances made with the States-General and lessening the power of France. *Ibid.*, p. 435.

¹⁷ In further consideration of supply. *Ibid.*, p. 441.

¹⁸ In the committee of the whole to consider the state of the nation (*ibid.*, p. 454). The debate was upon a motion that his Majesty be moved to declare war against the French king. *Grey, loc. cit.*, p. 224.

¹ In debate for an address to learn from his Majesty the state of affairs with France. *C. J.*, IX. 483.

² The king, in his message of the day before, did not think it prudent to dismiss either fleet or army before July 27, at which time he thought there would be a general peace. *Ibid.*, p. 484.

know what they are that are to be disbanded. I would put in "all the forces raised since Michaelmas last".

Mr. Secretary Coventry: Do you mean all raised for Carlisle, Tangier, and the plantations, etc.? Under that word "all", these will be comprehended.

Sir William Coventry: I would have it, "all the forces raised since the first of December, except those raised for Tangier and Jamaica".³ (Grey, *Debates*, VI. 29.)

June 17, HC. Mr. Powle reports from the committee to whom the consideration of lessening the present charge of the fleet was referred

Upon the fourteenth of February last, this House did resolve upon the several rates of the ships, and numbers of men, that were to be employed upon them, in the service of a war against the French king.

The state of the navy at that time was this:

There was abroad then, in the king's service

1 ship, 1 ketch, in the Barbadoes

So, the king's part being taken out of the whole number, there remained to be discharged on the publick account

For transportation of horse and foot to Ostend, Guernsey, and Jersey; as also of men, and ammunition to Jamaica, 4000 *l.*

Towards building a fort at St. Christophers, 500 *l.* (C. J., IX. 497.)⁴

³ This debate was upon the resolution above. The military establishment in Jamaica in 1679 consisted of two companies of 100 men each, at a cost of £3327 11 s. 8 d. The major-general was allowed £300, and the maintenance of forts, £600 (*Cal. St. P. Col.*, 1677-1680, p. 383; *Acts P. C. Col.*, I. 847.) The committee appointed by the Commons to examine what was due the forces to be disbanded, on June 1 reported this same number of men in Jamaica. C. J., IX. 487.

⁴ On July 15 Parliament was prorogued until Aug. 1, on which day it was further prorogued to Aug. 29, again to Oct. 1, and finally to Oct. 21. The session of Oct. 21 to Dec. 30 was taken up almost entirely with an examination into the so-called "Popish Plot", based upon the story of Titus Oates (*L. J.*, XIII. 313-330). The best authority on the subject is John Pollock, *The Popish Plot* (London, 1903). Harleian MSS. 5277 (a volume of proceedings in Parliament and other matters), under date of Oct. 28, states, "The Lord Baltimore being gone to Maryland two Shippes were sent after to apprehend him, hee being accused for the Plott" (f. 135). Nov. 19 an address was drawn up to the king, representing the reasons that induced the Commons to commit Secretary Williamson to the Tower and desiring his Majesty "to recall all commissions granted to all papists within the kingdoms of England and Ireland, or any other your Majesty's dominions and territories" (C. J., IX. 542). In his reply, Nov. 23, the king promised to recall such commissions "with all the expedition the safety of those places will permit" (*ibid.*, p. 545). During the examination of Olivier du Fiquet and François Verdier, in connection with the plot, La Colombière, a Jesuit, was accused of having secretly "sent priests into Virginia, of whom Maccarty an Irish priest was one" (*L. J.*, XIII. 368). At the end of this session Parliament was prorogued to Feb. 4, but by proclamation of Jan. 24, 1678/9, this Parliament, after 17 sessions, was dissolved.

CHARLES II.: THIRD PARLIAMENT.

Session of March 15, 1678/9-May 27, 1679 (31 Car. II.).

1678/9.

*Mar. 21,*¹ HC. Ordered, that leave be given to bring in a bill, for the better securing the liberty of the subject. (*C. J.*, IX. 572.)

1679.

Mar. 28, HC. A bill for the better securing the liberty of the subject, was read the first time.²

Resolved, etc., that the bill be read a second time on Monday morning after ten of the clock. (*Ibid.*, p. 578.)

Apr. 2, HC. A bill for the better securing the liberty of the subject was read the second time.

Resolved, etc., that the bill be committed, upon the debate of the House, to Serjeant Maynard, Sir Tho. Clarges, Sir John Hewley, Sir Nich. Pedley, Sir Tho. Lee, Sir John Mallet, Sir Anth. Irby, Sir Francis Drake, Mr. Reynall, Sir John Wynn, Sir Gilbert Gerrard, Mr. Stockdale, Sir Charles Cesar, Mr. Pilkington, Mr. Thompson, Mr. Thurborne, Mr. Trenchord, Sir Henry Capell, Mr. Thynn, Mr. Jacob, Sir Edward Deering, Sir John Trevor, Mr. Young, Sir Thomas Player, Sir Robert Peyton, Mr. Woogan, Serjeant Streete, Sir Richard Corbet, Mr. Papillion, Sir Trevor Williams, Sir Christopher Musgrave, Sir William Escourt, Sir John Hotham, Sir James Oxenden, Mr. Speake, Sir John Knight, Col. Titus, Sir Henry Foord, Mr. Kelland, Sir William Robarts, Mr. Palmes, Mr. Seymour, Sir John Darrell, Mr. Onslow, Mr. Vaughan, Sir Tho. Meres, Mr. Apprice, Colonel Birch, and all the gentlemen of the long robe: and all that come are to have voices: and they are to meet to-

¹ When the new Parliament met on Mar. 6, Edward Seymour, the regularly chosen Speaker, was rejected by the king, and the Commons refused to elect another. After several days' debate the Commons sent an address to the king beseeching him not to interfere with their rights and privileges. The messengers were commanded to go back to the House and to do as they were directed. A second address was made, and on Mar. 13 the king brought the session to an end. When Parliament again met, on Mar. 15, Serjeant Gregory was chosen as Speaker. The proceedings of that short session are erased from the Commons Journals; but see Grey, *Debates*, VI. 402-439; Cobbett, IV. 1079-1111.

² 31 Car. II. c. 2 (*Statutes*, V. 935). Several unsuccessful efforts had been made in former sessions to pass a bill for the more effectual execution of the writ of habeas corpus; see pp. 404-410, *ante*. This act provided that any prisoner must, on the issuance of the writ, be brought before the court within a specified time, to decide whether he should be discharged, released on bail, or held for trial. Furthermore, except in special cases, persons could not be imprisoned beyond the seas. This provision of the act did not apply to persons who should agree with any merchant or owner of any plantation to be transported; nor to persons convicted of felony who should prefer transportation; nor to any person who had committed a capital offense in Scotland, Ireland, or in any foreign island or plantation.

morrow at two of the clock in the afternoon, in the Exchequer Chamber. (*Ibid.*, p. 582.)

Apr. 4, HC. Sir Thomas Clerges reports from the committee to whom the bill for the better securing the liberty of the subject, was committed, that the committee had met; and had gone through the bill; and had made some amendments: which he read in his place; and afterwards, delivered the same in at the clerk's table: where the same were twice read, and, upon the question, severally agreed to.

Resolved, etc., that the bill, with the amendments agreed to, be ingrossed. (*Ibid.*, p. 584.)

Apr. 8, HC. A bill for the better securing the liberty of the subject was read a third time.

And some amendments being made at the table;

Resolved, etc., that the bill do pass: and that the title be, An act for the better securing the liberty of the subject; and for prevention of imprisonment beyond the seas.

Ordered, that Sir Thomas Clerges do carry up the bill to the Lords for their concurrence.³ (*Ibid.*, p. 590.)

Apr. 9, HC. A bill for the exporting of leather was read the first time.

Resolved, etc., that the bill be read a second time.⁴ (*Ibid.*)

Apr. 9, HL. *Hodie 1a vice lecta est billa*, An act for the better securing the liberty of the subject, and for prevention of imprisonments beyond the seas. (*L. J.*, XIII. 507.)

Apr. 10, HL. *Hodie 2a vice lecta est billa*, An act for the better securing the liberty of the subject; and for prevention of imprisonments beyond the seas.

Ordered, that this bill is committed to a committee of the whole House; to be considered on Monday morning next. (*Ibid.*, p. 511.)

Apr. 16, HL. Ordered, that to-morrow morning this House be put into a committee, to take into consideration the bill for the better securing the liberty of the subject, and for prevention of imprisonments beyond the seas. (*Ibid.*, p. 521.)

Apr. 17, HL. The House was adjourned into a committee, to consider of the bill for the better securing the liberty of the subject.

The House being resumed;

The Lord Robertes reported, that the opinion of the committee of the House is, that the further consideration of this bill be put off till the next day of sitting after Easter-day:

That, in the mean time, a committee may be appointed, to consider of the whole coherence of the said bill, so as it may be put into a fit method to be offered to the committee of the whole House the next sitting.

To which purpose, the House named the committee following:

³ *L. J.*, XIII. 506; it was ordered to be read the next day.

⁴ See note 2, p. 410, *ante*. There was a proviso, "that nothing in the bill shall give liberty to any person to export leather to any of his Majesty's foreign plantations, other than in shoes, boots, and other wares fully manufactured and wrought up" (*Hist. MSS. Comm., Eleventh Rept.*, App., pt. 2, pp. 143-144). The bill was read the second time and committed Apr. 24, was reported and ordered ingrossed May 14, and passed by the Commons May 19 (*C. J.*, IX. 601, 621, 625). It was read by the Lords on May 21, but the end of the session stopped further proceedings on it. *L. J.*, XIII. 582.

L. Chancellor,⁵ L. Privy Seal,⁶ Marq. Winton, E. Huntingdon, E. Bridgewater, E. North'ton, E. Clare, E. Berks, E. Winchilsea, E. Strafford, E. Essex, E. Burlington, E. Shaftesbury, *Viccomes* Fauconberg, *Viccomes* Halyfax, Arch. Cant., *Epus.* London, *Epus.* Carlile, *Epus.* Rochester, *Epus.* Ely, *Epus.* Bath and Wells, *Epus.* Lyncolne, *Epus.* Exon., L. Berkeley, L. Wharton, L. North, L. Grey W., L. Robertes, L. Herbert Cherb.

The judges, and Mr. Attorney General,⁷ to assist their Lordships.

Their Lordships, or any five; to meet on Monday next, at three of the clock in the afternoon, in the Prince's Lodgings; and to adjourn as they please. (*Ibid.*, p. 528.)

Apr. 23, HL. Ordered, that on Friday next the House be put into a committee, to consider of the bill for the better securing the liberty of the subject. (*Ibid.*, p. 534.)

Apr. 26, HL. Ordered, that the amendments in the bill for the better securing the liberty of the subject be further considered of on Monday morning next, in the committee of the whole House. (*Ibid.*, p. 541.)

Apr. 28, HL. The House was put into a committee, to consider of the bill for the better securing the liberty of the subject.

The House was resumed.

The Earl of Bridgewater reported, that the committee which was appointed to prepare this bill for the committee of the House had reported several amendments to the said bill; and the committee, being now possessed thereof, desires that a day may be appointed for the House to receive the report thereof, and that the Lord who reported the amendments to the committee may have leave to offer some other considerations to the House.

Which was agreed to; and appointed Wednesday next for that business. (*Ibid.*, p. 544.)

Apr. 30, HL. The House was adjourned into a committee during pleasure, to consider of the amendments in the bill for the better securing the liberty of the subject.

The House was resumed.

And the Earl of Bridgewater reported, that the committee of the House have been in consideration of the bill concerning the liberty of the subject, wherein they have made several amendments; and the opinion of the committee is, that the bill is fit to pass, with these amendments.

The said amendments were read twice, and agreed to; and the last reading of this bill to be on Friday morning next. (*Ibid.*, p. 548.)

May 2, HL. *Hodie 3a vice lecta est billa*, An act for the better securing the liberty of the subject, and for preventing of imprisonments beyond the seas.

The question being put, whether this bill, with the amendments now read, shall pass?

It was resolved in the affirmative.

⁵ Sir Heneage Finch.

⁶ Arthur, Earl of Anglesey.

⁷ Sir William Jones, until October of this year.

A message was sent to the House of Commons, by the Lord Chief Justice of the Common Pleas⁸ and Mr. Justice Atkins:

To return the bill for the better securing the liberty of the subject, and for preventing of imprisonments beyond the seas; in which the Lords have made amendments, and desire the concurrence of the House of Commons thereunto.⁹ (*Ibid.*, p. 549.)

May 27, HC. A petition of the Royal Affrican Company was read; setting forth, that whereas the committee, appointed to examine into the miscarriages of the navy, have received some complaints against the petitioners; and this House has referred the examination thereof to the said committee:¹⁰ and forasmuch as the matter of complaint is of great concern to the publick; and the justification of the petitioners depends much upon the construction and validity of their charter; the petitioners therefore pray, that the whole matter may be heard at the bar of the House.

Ordered, that the merits of the said petition be heard at the bar of the House, on Thursday next come seven night. (*C. J.*, IX. 634.)

⁸ Sir Francis North.

⁹ The following day the Commons, after considering the amendments made by the Lords, agreed to some, rejected others, and referred the additional clauses to a committee who reported in favor of these being made a part of the bill. At the same time a conference was asked of the Lords to consider the disagreements in the matter of amendments. (*C. J.*, IX. 610-611, 612; *L. J.*, XIII. 552-553.) The Lords insisting upon their amendments, further conferences were held until, on May 27, the last day of the session, the Commons accepted the amendments rather than some additional clauses offered by the Lords as alternatives. (*L. J.*, XIII. 554, 558, 561, 562, 569, 583-584, 589, 590, 594-595; *C. J.*, IX. 617, 623-624, 634.) In all these proceedings the only apparent reference to any clause of the bill relating to America is the Lords' insistence, May 9, upon the word "capital" (see last clause of note 2, above), "because the Lords do not think reasonable, men be sent away for trivial offences". (*Ibid.*, p. 617; *L. J.*, XIII. 562.) The royal assent to the bill was given on May 27. *Ibid.*, p. 595.

¹⁰ May 17; *C. J.*, IX. 624.

CHARLES II.: FOURTH PARLIAMENT.

October 21, 1680–January 10, 1680/1 (32 Car. II.).

1680.

*Nov. 16,*¹ HL. The House was adjourned into a committee, to consider of heads for the effectual securing of the Protestant religion.

The House was resumed.

The Lord Privy Seal² reported, that the committee hath been in consideration of heads for securing the Protestant religion, to be put into several bills. . . .

The committee also have agreed to another head: that the Duke of Yorke³ be disabled from being Admiral of Ireland, the West Indies, or Tangier, or bearing any other office in England or Ireland, or any other dominions to either of them belonging.

Agreed to. . . . (*L. J.*, XIII. 672.)

Nov. 23, HL. The House was again adjourned into a committee, to consider of further heads for securing the Protestant religion, which were read . . .

Then all the heads agreed on were read; *videlicet*,

Heads agreed on for one or more bill or bills for securing the Protestant religion . . .

That the Duke of Yorke be disabled from being Admiral of Ireland, the West Indies, Tangier, or bearing any other office in England or Ireland, or any other dominions to either of them belonging . . .

Ordered, that it is hereby referred to Mr. Justice Jones and Justice Raymond, to draw up a bill on the heads now read, excepting that head concerning association; and to present the same to the House.⁴ (*Ibid.*, p. 684.)

Nov. 23, HC. Ordered, that leave be given to bring in a bill for continuing of two acts; one to prevent the planting tobacco in England, and regulating the plantation trade . . .⁵

¹ During the further examination into the Popish Plot, Francisco de Faria on Oct. 28 stated in his narrative that he had been born in America, son of John Faria, a Jew (*L. J.*, XIII. 623). In the statement of Edmund Murphy, Nov. 4, mention is made of one Lieutenant Baker who, because of information supplied by his servants, hurried them from their wives and children and banished them into Jamaica. *Ibid.*, p. 637.

² The Earl of Anglesey.

³ Afterwards James II. In 1679 the Commons had passed a bill to exclude him from the succession. Parliament was prorogued before the Lords could act upon it. A second exclusion bill passed the Commons this session, but was rejected by the Lords. *Ibid.*, p. 666.

⁴ The bill had its first reading Nov. 29, was read the second time and committed Dec. 10, was considered in the committee of the whole House Dec. 13, and additional clauses were agreed to Jan. 8, 1680/1 (*ibid.*, pp. 694, 711, 714, 740). Two days later Parliament was prorogued.

⁵ 22 and 23 Car. II. c. 26; p. 371, *ante*. This bill was not passed.

A bill to the same purpose, being presented to the House, was read the first time.

Resolved, that the bill be read a second time. (*C. J.*, IX. 660.)

Dec. 16, HC. A petition of Joshua Brooke, and other merchants, against the Affrican Company, was read.

Ordered, that the consideration of this petition be referred to a committee; to examine the matter thereof; and to report the same, with their opinions therein, to the House.

And it is referred to Mr. Love, Mr. Papillon, Mr. Duboys, Sir William Bastard, Sir Samuel Bernardiston, Colonel Birch, Sir Henry Thompson, Sir Robert Markham, Mr. Hamden, Mr. Starkey, Mr. Pilkington, Mr. Colt, Sir Trevor Williams, Sir William Waller, Mr. Treby, Mr. Trenchard, Sir Richard Corbett, Sir Thomas Player, Sir Gilbert Gerald, Mr. Burdett, Mr. Cheile, Mr. Foley, Sir John Knight, Mr. Arnold, Sir Rowland Gwynn, Mr. Owen; and all members that are merchants; and all the members that serve for the county of Cornwall, and the several boroughs therein, or any five of them: and they are to meet at three of the clock this afternoon, in the Speaker's Chamber: and are empowered to send for persons, papers, and records. (*Ibid.*, p. 680.)

Dec. 17, HC. A bill for continuance of two acts; the one, intituled, An act for preventing the planting of tobacco in England, and regulating of the plantation trade . . . was read a second time.

Resolved, that the bills be committed to Sir George Downing, Sir John Hotham, Mr. Thompson, Mr. Bockland, Mr. Thistlethwayte, Mr. Powle, Mr. Pilkington, Mr. Pollixfen, Sir John Knight, Sir Francis Russell, Mr. Gee, Mr. Burdett, Sir Robert Henley, Mr. Love, Sir Robert Cleyton, Mr. John Trenchard; and all the members that serve for the several sea ports throughout England: and all that come are to have voices: and they are to meet at three of the clock this afternoon, in the Speaker's Chamber. (*Ibid.*, p. 682.)

1680/I.

Jan. 5, HC. A petition of Samuel Nash, and others, complaining against the Affrican Company, was read.

Ordered, that the consideration of the said petition be referred to the committee to whom a former petition of divers merchants against the Affrican Company was referred; to examine the matter thereof; and report the same, with their opinion therein, to the House.

Ordered, that Sir John Hobart, Mr. Evelin, Sir Francis Drake, Colonel Mildmay, Mr. Burrard; and all the members of the long robe; and all the members that serve for the county of Norfolk, and boroughs therein, be added to the said committee. (*Ibid.*, p. 700.)

JAMES II.: FIRST PARLIAMENT.

May 19-November 20, 1685 (1 Jac. II.).

1685.

May 27, HC. Sir John Talbot reports from the committee appointed to inspect and inquire into what laws are expired, or near expiring,¹ that they, having taken the same into their consideration, had prepared a list of the said acts: which he read in his place; and afterwards delivered the same in at the clerk's table: where the same being again read, is as follows; *viz.*

13, 13 [14] Ca. II. c. 22. An act for preventing of theft and rapine upon the northern borders of England; and continued 29 and 30²

22, 23. Ca. II. c. 26. An act to prevent the planting of tobacco in England; and for regulating the plantation trade. . . .³

Ordered, that it be recommended to the same committee, to consider, and report their opinions, what laws are fit to be discontinued and what to be revived. (*C. J.*, IX. 720.)

June 1, HC. The House then, according to their order of Saturday last, resolved into a committee of the whole House, to proceed in the further consideration of a supply to his Majesty.⁴

Mr. Speaker⁵ left the chair.

Mr. Solicitor General⁶ took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Solicitor General reports from the committee of the whole House, that they, having taken the matters to them referred into consideration, had agreed upon several resolves: which he read in his place; and afterwards delivered them in at the clerk's table: where the same being read, are as follows;

1. Resolved, that it is the opinion of this committee, that, for a further supply to his Majesty, an imposition be laid on tobacco.

2. Resolved, that it is the opinion of this committee, that an imposition be laid on sugar.

3. Resolved, that it is the opinion of this committee, that the imposition on Spanish tobacco be six-pence per pound weight above what it now pays.

¹ Appointed May 26; *C. J.*, IX. 719.

² This carried a penalty of transportation; see p. 336, *ante*. A continuing bill was ordered June 1, read the first time June 2, committed June 6, reported and engrossed June 16, and passed June 22. (*C. J.*, IX. 723, 724, 731, 738, 744.) It was read in the House of Lords June 22, committed, considered, reported, and passed June 25, *L. J.*, XIV. 52, 57; 1 Jac. II. c. 14 (*Statutes*, VI. 15).

³ See pp. 370-371, *ante*.

⁴ *C. J.*, IX. 723.

⁵ Sir John Trevor.

⁶ Heneage Finch, afterward first earl of Aylesford.

4. Resolved, that it is the opinion of this committee, that the imposition on tobacco, of the growth of all the English plantations, be three-pence the pound above what it now pays.

5. Resolved, that it is the opinion of this committee, that muscovado sugar of Brazile do pay an halfpeny per pound weight above what it now pays.

6. Resolved, that it is the opinion of this committee, that pannele sugar do pay an halfpeny per pound weight above what it now pays.

7. Resolved, that it is the opinion of this committee, that foreign white powder sugar do pay one peny per pound weight above what it now pays.

8. Resolved, that it is the opinion of this committee, that other foreign sugars, imported in the loaf, do pay three-pence per pound weight above what they now pay.

9. Resolved, that it is the opinion of this committee, that muscovado sugar, of the English plantation, do pay a farthing per pound weight above what it now pays.

10. Resolved, that it is the opinion of this committee, that all sugars of the English plantation, fit for use, do pay one peny per pound weight, above what they now pay.

The first of the said resolves being read a second time to the House;

Resolved, etc., that this House doth agree with the committee, that, for a further supply of his Majesty, an imposition be laid on tobacco.

The second of the said resolves being read a second time;

Resolved, etc., that this House doth agree with the committee, that an imposition be laid on sugar.

The third of the said resolves being read a second time;

And a motion being made, that, after the word "Spanish", the word "tobacco" be left out in the said resolve; and that these words, "and all other foreign tobacco not of the English plantations", be added, instead thereof:

Which being agreed to by the House; and the same being inserted at the clerk's table;

Resolved, etc., that this House doth agree with the committee (with the said amendment), that the imposition on Spanish and all other foreign tobacco, not of the English plantations, be six-pence per pound weight above what it now pays.⁷

The fourth of the said resolves being read a second time;

Resolved, etc., that this House doth agree with the committee, that the imposition on tobacco of the growth of all the English plantations be three-pence the pound weight above what it now pays.

The fifth of the said resolves being read a second time;

Resolved, etc., that this House doth agree with the committee, that muscovado sugar of Brazile do pay an halfpeny per pound weight above what it now pays.

⁷ It had been 6 *d.*, so that the duty under the new law was to be 1 *s.* the pound; that on colonial tobacco was raised from 2 *d.* to 5 *d.* The former sugar duties were 5 *s.* per cwt. on white, and 1 *s.* 6 *d.* on brown and muscovado. Beer, *Old Colonial System*, pt. I., vol. I., pp. 160-168.

The sixth of the said resolves being read a second time;

Resolved, etc., that this House doth agree with the committee, that pannelle sugar do pay an halfpenny per pound weight above what it now pays.

The seventh of the said resolves being read a second time;

And a motion being made, for adding the word "farthing" after the word "peny", in the said resolve:

Which being agreed to by the House; and the same being inserted at the table;

Resolved, etc., that this House doth agree with the committee (with the said addition), that foreign white powder sugar do pay a peny farthing per pound weight above what it now pays.

The eighth of the said resolves being read a second time;

Resolved, etc., that this House doth agree with the committee, that other foreign sugars, imported in the loaf, do pay three-pence per pound above what they now pay.

The ninth of the said resolves being read a second time;

Resolved, that this House doth agree with the committee, that muscovado sugar, of the English plantation, do pay a farthing per pound weight above what it now pays.

The last of the said resolves being read a second time;

And a motion being made for leaving thereout the words "one peny"; and inserting the words "three farthings", instead thereof;

To which the House agreed; and the said amendment being made at the table;

Resolved, etc., that this House doth agree with the committee (with the said amendment), that all sugars of the English plantation, fit for use, do pay three farthings per pound weight above what they now pay.⁸

Ordered, that Mr. Solicitor General do prepare and bring in a bill, pursuant to the said several resolves. (*Ibid.*, p. 724.)

June 1, 1685. There was further given towards the extraordinary supply an imposition upon sugars and tobacco. This was much opposed by many members of the House, who had either themselves or their friends an interest in the plantations; and they argued that as the French were now endeavouring to encourage the planting of those commodities in their plantations, this imposition might put a discouragement upon ours, and cause our servants and slaves, who would not be so well paid by us, to run over to them. To this I answered that if the rates imposed should be so great as to raise the rates of those commodities here so high that they would be less sold, what they seem to urge was reasonable. But if they sold as much as formerly, it could neither prejudice our plantations or navigation; besides the act was to be only temporary, and if it was found prejudicial, it might be repealed and something else given the king in lieu of it. Several spoke to the same purpose, and it passed that 6 *d.* per lb.

⁸ The question later arose whether such muscovado sugars as were fit for consumption were liable to this higher duty. Sir Thomas Powys, the attorney general, decided in 1687 that it was the intention of Parliament that the extra duty on all English muscovado sugars should be only one farthing (see ninth resolution, above). Add. MSS. 30218, f. 134.

should be imposed upon Spanish tobacco, and 3 *d.* upon that of Virginia and of other places;⁹ that 1 *d.* should be laid upon white powder sugar, one halfpenny on muscovado, and so proportionately on other sorts that should be consumed at home, and to be paid by the buyer. I spoke three times on this concern, and was told by my lord president and others that I had considerably assisted to the work, which I had several reasons to promote at this time. (*The Memoirs of Sir John Reresby of Thrybergh, Bart., M. P. for York, etc., 1634-1689*, pp. 330-331.)¹⁰

June 5,¹¹ HC. Sir John Talbot reports from the committee appointed to inspect and inquire into what laws are expired, or near expiring, and to report their opinions, what Laws are fit to be discontinued, and what to be revived, that the committee having taken into their consideration the matters to them referred, had agreed upon a report to be made to the House: which he read in his place; and afterwards delivered the same in at the clerk's table: where it was again read; and is as follows: . . .

22 and 23 Ca. II. c. 26. An act to prevent the planting tobacco in England; and for regulating the plantation trade.

Resolved, that it is the opinion of this committee, that the said act be revived; and continued for seven years; and from thence to the end of the next session of Parliament. . . .

Ordered, that it be re-committed to the same committee, to prepare a bill or bills (according to the said report) for the reviving such of the said laws, as are reported fit to be revived: and they are to have power to bring in what clauses they think most conducing to the just ends of the said laws. . . . (*C. J.*, IX. 729.)

June 10, HC. A bill for laying an imposition on sugars and tobacco, for a further supply to his Majesty towards the repair of the navy, and ordnance, and stores for the same, was read.

Resolved, that the bill be read a second time on Friday morning next.¹² (*Ibid.*, p. 732.)

⁹ In addition to the existing rates.

¹⁰ London, 1875; James J. Cartwright, editor.

¹¹ On June 4, when the bill for reviving a former act concerning the transporting of leather (pp. 296, 410, *ante*) was committed by the Lords, several petitions were presented asking to be heard before the bill passed (*L. J.*, XIV. 31). At the hearing of these, counsel for the tanners urged that prohibiting the exportation of leather tended to fall of rents and bated the price of the bark; the plantations, that formerly took off their manufactured goods, had now leather, and artificers of their own to work it. *Hist. MSS. Comm.*, *MSS. H. of L.*, 1678-1688, p. 313.

¹² *Jac. II. c. 4 (Statutes, VI. 3)*. Additional duties on tobacco and sugar, in accordance with the previous resolutions, were levied for a period of eight years. Drawbacks of the duties were allowed the retailer if the commodities were exported within a period of 18 months (later, by 7 Geo. I. c. 21, extended to three years). Allowances were also made for damage and shrinkage while the goods were in transit or in the importers' hands. "When the parliament was met, and qualified to do any business, all the revenue matters were dispatched to the king's content, and a supply was given of a half-penny per pound upon tobacco, and a farthing upon sugars; very small with respect to what hath been given since; but it made a greater stir, and had more opposition in parliament, than any later revenue or supply bill ever had; and, upon voting the supply, and charging it so to be levied, it was cried out upon, as if it had been a surrender of liberty and property. 'For', said some, 'we shall enable the king to raise and pay an army to enslave us: doth he not talk of his armies in his speech?' And the merchants, who, for the most part, chimed in with these opposers, declared the trade would be clogged and ruined. The grocers declared they would throw up, and

June 10, HC. A message from his Majesty to this House by Sir John Ernley:

That his Majesty did heartily thank the House for their readiness in his supplies. That he desired no more this session than what they are about. That he would make trial of the impositions on sugars and tobacco, but if he should find them injurious to his plantations, he would not make

not deal in those commodities: insomuch that my Lord Rochester was frighted, and was inclined to fall off from this, and to busk for some other way to raise the supply. It seems that, to answer these clamours, the tax was so qualified, that it must needs lie upon the inland consumption only, and not affect the exportation; and, for that end, a drawback of the duty was given upon all tobacco and sugars exported. This did not satisfy; and the traders clamoured no grain the less On the other side, Sir Dudley North, a commissioner of the treasury, who managed for the king in the House of Commons, and other intelligent merchants, told the Lord Rochester that all this noise was knavery, and there was nothing in it; and, at a meeting of the grocers at my Lord Rochester's, made it plainly appear to be so. . . .” Roger North, *Lives of the Norths* (London, 1826), II. 121–123.

“Sir Dudley North took a strict account of all the commodities in trade, from the Custom-house books, and considered which would best bear a farther imposition. . . . At last, he thought fit to propose a tax of one farthing upon sugars, and one half-penny upon tobacco imported, to lie upon the English consumption only, and not upon the export; and this, as he estimated, would yield the sum expected; and would scarce be any burthen sensible to the people. In short, this tax was approved, and voted at the committee, and a bill directed, which was drawn up, and brought in.

“It came not thus far without much opposition and contention; and Sir Dudley North was forced to stand the attacks of a numerous and valuable party in the house; some suspecting his integrity, and others his understanding; but he stemmed them all. After the bill was brought in and read, and copies went abroad, whereby the invention was known, there was a general muster of noises and clamour, from all parts of the town, not only of merchants importers, but of consumptioners, retailers, etc., raised up against it, as if the utter ruin of all the plantations was to follow; and all trading from thence, and all dealing whatever in those commodities, were all to be confounded at one single stroke The pretence of the tradesmen was, that, in the end, it would be found to fall upon the plantation trade, and to tax the export, as well as the home consumption. For although it was pretended that all goods exported, being unaltered, should take back the custom of so much, the practice would be so puzzling and troublesome at the Custom-house, that men would rather quit, than lose their time about it: and then, a rise of the commodity at home would lessen the trade, so as it would not be worth their while to deal in it; whereby the plantations must sink. And a parcel of grocers, sugar-bakers, and tobaccoists, also came to my lord treasurer, and declared to him positively, that, if that bill passed, they would trade in those goods no longer. This startled his lordship; and he ordered them to attend the next day, intending that Sir Dudley North should be present. . . .

“At the time there came a great muster of the tradesmen; and divers of them talked one after another, and all concluded it to be their common resolution, if that bill passed, to trade in sugars and tobacco no more. Sir Dudley North stared at them, and admired their impudence in lying so brazenly. At last, my lord treasurer said, ‘Sir Dudley North, what say you to this?’ ‘My lord’, said he, ‘I desire only to ask them a question.’ Then, turning to the chief of them, ‘Sir’, said he, ‘if one comes to your shop to buy sugar, will you sell any?’ The grocers, on a sudden, answered ‘Yes’. ‘Then’, said Sir Dudley North, ‘if you sell, I am sure you’ll buy’; and fell a laughing. Then again he asked them, whether, if they could get money by trading, they would not trade? To which they could not tell what to say. These stabs made them look woodenly upon one another; and the ferment seemed to be laid. . . . My lord treasurer was satisfied they were a parcel of party knaves that came to hinder the king’s business; so the bill, which had like to have been given up, was determined to go on.

“In the passing this bill, the work lay wholly upon Sir Dudley North, to satisfy the house, as he did, by unfolding the nature of the tax, declaring his estimates, and making the consequent practice at the Custom-house understood. And at the committee, when the bill was gone over, paragraph by paragraph, he sat by the table, with the draught and a pen in his hand, dictating amendments in numerous instances; and divers of the old members were diverted by seeing a fresh man, and half foreigner, act his part in parliament so well. And his schemes being well judged, and built upon truths well

use of them, but hoped they would supply him some other way.¹³ (Chandler, *History and Proceedings of the House of Commons*, II. 174.)¹⁴

June 11, HC. A petition of the Society of Merchants of the city of Bristol, being presented to the House, mentioning an intended imposition upon tobacco and sugar;

Ordered, that the said petition be read to-morrow morning, upon the second reading of the bill for such imposition. (C. J., IX. 733.)

June 11, HC. A petition of the merchants trading to Virginia and Maryland in tobacco, and to other his Majesty's plantations in America, together with the planters, dealers, and first buyers of the said commodity, being presented to the House;

Ordered, that the said petition be read to-morrow morning, upon the second reading of the bill for an imposition upon sugars and tobacco.¹⁵ (*Ibid.*)

June 12, HC. A bill to revive and continue several acts of Parliament therein mentioned, was read.

Resolved, that the bill be read a second time.¹⁶ (*Ibid.*, p. 734.)

June 12, HC. A bill for an imposition on sugars and tobacco, was read the second time.

Resolved, that the bill be committed to a committee of the whole House.

Resolved, that this House do immediately resolve itself into a committee of the whole House, to proceed in the consideration of the said bill.

Mr. Speaker left the chair.

Mr. Solicitor General took the chair of the committee.

known to him, he maintaining his character, as to candour and sincerity, to a scruple, he had confidence, and stood buff against all reflections made at him; and, at times, refuted them. And, as he passed to and fro, he was spoke to, and heard others speaking, in a clamorous way, as if they were not satisfied of his allegations. This made him in public, as well as private discourse, make his defiance against any that should show, by the Custom-house books, which any one might inspect, or otherwise, that he had prevaricated in any punctilio, or misrepresented any facts to the house. So, through much contention and opposition, the bill passed." (*Id.*, III. 161-164.) It was estimated that this tax on sugar and tobacco would realize £200,000 yearly. (Hist. MSS. Comm., MSS. of Earl of Egmont, II. 155; Cobbett, IV. 1379.) From 1688 to 1692, £90,000 was derived from the tobacco impost. Beer, *Old Colonial System*, pt. I., vol. I, p. 166.

¹³ Not in the *Journals*.

¹⁴ London, 1742-1744; ed. Richard Chandler. Beyond the general statement of the title-page, "collected from the best authorities", no indication is given of the source of the materials contained in this collection. Cobbett (IV., advertisement) heavily scores this work and Timberland's *History and Proceedings of the House of Lords* (London, 1742), characterizing both as "extremely defective and incorrect", not to "be relied upon with safety", and undertaken "for the mere purpose of filling up a chasm in a book-case". For a more favorable view concerning the authenticity of Chandler, see Cobbett, IX., preface; Coxe, *Memoirs of the Life and Administration of Sir Robert Walpole*, preface. See also the preface to this volume.

¹⁵ For the arguments generally used against the additional duties, and for an account of the opposition to the act, especially in Virginia and Barbados, see Beer, *Old Colonial System*, pt. I., vol. I, pp. 161-165. Concerning tobacco, it was held that the additional duty would depress the trade, encourage smuggling, stimulate the production of tobacco in other countries, and force the colonies to use their lands for other purposes and engage in manufactures hitherto obtained from England. Harl. MSS. 1238, f. 2, cited *ibid.*, p. 161 n.

¹⁶ 1 Jac. II. c. 17 (*Statutes*, VI. 19). By section 13, the act to prevent planting of tobacco in England and for regulating the plantation trade (22 and 23 Car. II. c. 26, pp. 370-371, *ante*) was continued for seven years.

Mr. Speaker resumed the chair.

A petition of the merchant adventurers of Bristoll was read.

Ordered, that the consideration of the said petition be referred to a committee of the whole House: and that the parties be called in, and heard by the committee thereupon.

Mr. Speaker left the chair.

Mr. Solicitor General took the chair of the committee.

Mr. Speaker resumed the chair.

Mr. Solicitor General reports from the committee of the whole House to whom the bill for an imposition on sugars and tobacco, was committed, that the committee, having taken the same into their consideration, had agreed upon several amendments to the same: which he read in his place, and afterwards, delivered the same in at the clerk's table: where the same being again read, and an amendment made at the table, were, upon the question severally put, agreed to by the House.

Ordered, that the said bill, with the amendments, be ingrossed. (*Ibid.*)

June 12, HC. The House resolved into a committee of the whole House, to consider of the bill for impositions on sugar and tobacco.

Whereupon Alderman Jeffreys, and others, were call'd in, and gave their reasons, why the said imposition on tobacco would be prejudicial to the king's customs, and the dealers in tobacco.

Sir Jo. Knight, and the merchants of Bristol gave their reasons also against the imposition on sugars.

They being dismiss'd, the House reasum'd.

And after several amendments, the bill was reported, and with the amendments, ordered to be engrossed. (Chandler, *op. cit.*, II. 174.)

June 15, HC. An ingrossed bill for an imposition on sugars and tobacco, was read the third time.

Resolved, that the bill do pass: and that the title be, An act for granting an imposition upon tobacco and sugars imported between the four-and-twentieth day of June one thousand six hundred eighty-five, and the four-and-twentieth day of June one thousand six hundred ninety-three.

Ordered, that Mr. Solicitor General do carry up the said bill to the Lords for their concurrence.¹⁷ (*C. J.*, IX. 737.)

June 15, HL. *Hodie ia vice lecta est billa*, An act for granting to his Majesty an imposition upon all tobacco and sugar imported, between the 24th day of June 1685, and the 24th day of June 1693. (*L. J.*, XIV. 42.)

June 16, HC. A bill to revive and continue several laws expired, and near expiring, was read a second time.

Resolved, that the bill be committed to Sir Charles Holt, Mr. Parker, Mr. Ethrick, Sir John Talbott, Mr. Christy, Mr. Tippin, Mr. Hawtrey, Sir Edw. Windham, Mr. Baldwyn, Mr. Head, Mr. Chudleigh, Sir John Norton, Sir Tho. Russell, Sir Wm. Honywood, Mr. Sandford, Mr. Musgrave, Mr. Hanses, Mr. Chiffinch, Sir Gilbert Clerk, Lord Digby, Sir Nicolas Bacon, Sir Cha. Rawley, Sir Edmund Jennings, Mr. Bickerstaffe, Mr. Per. Bertie, Mr. Wogan, Sir Will. Twisden, Mr. Hodges, Mr. Westbrook, Mr. Lampton, Sir Cha. Gaudy, Sir John Rowes, Sir Richard

¹⁷ *L. J.*, XIV. 42.

Temple, Colonel Lee, Sir John Hoskins, Colonel Windham, Sir Lewis Palmer, Mr. Cooke, Mr. Beare, Mr. Montague, Sir James Butler, Sir Richard May, Sir Dan. Fleming, Mr. Shaw, Sir Hen. Goffe, Mr. Duncombe, Lord Downe, Sir Roger Cave, Sir Cha. Gerrard, Mr. Geres, Marquis Worcester, Mr. Verney, Mr. Smith, Lord Ranelagh, Mr. Coryton, Mr. Pomeroy, Mr. Essex Strode, Mr. Guy, Mr. Kingdon, Sir Phil. Egerton, Mr. Done, Sir Peter Rich, Mr. Awbery: and all the members of the long robe, or any eight of them: and they are to meet at three of the clock this afternoon, in the Speaker's Chamber: and are impowered to send for persons, papers, and records. (C. J., IX. 737.)

June 16, HL. *Hodie 2a vice lecta est billa*, An act for granting to his Majesty an imposition upon all tobacco and sugar imported, between the 24th day of June 1685, and the 24th day of June 1693.

Ordered, that this bill is committed to a committee of the whole House.

And the House was presently put into a committee.

The House was resumed.

And the Earl of Bridgewater reported, that the committee of the whole House read this bill for granting an imposition upon sugar and tobacco; and think it fit to pass as it is, without any amendments. (L. J., XIV. 43.)

June 16, HL. *Hodie 3a vice lecta est billa*, An act for granting to his Majesty an imposition upon all sugar and tobacco imported, between the 24th day of June 1685, and the 24th day of June 1693.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Sir James Astrey and Doctor Eddisbury: ¹⁸

To let them know, that this House hath passed the bill for granting to his Majesty an imposition upon all tobacco and sugar imported, between the 24th day of June 1685, and the 24th day of June 1693. (*Ibid.*)

June 16, HC, HL. His Majesty, being seated in his royal throne, adorned with his regal crown and ornaments, commanded the Gentleman Usher of the Black Rod to signify his pleasure to the House of Commons, "that they attend him presently".

The Commons being come; their Speaker made a short speech, to this effect.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons assembled in Parliament, do now, with all chearfulness, present to your Majesty two bills of supply

The other, intituled, An act for granting to his Majesty an imposition upon all tobacco and sugar imported, between the 24th day of June 1685, and the 24th day of June 1693.

And we beseech your Majesty graciously to accept of them. . . .

The clerk of the Parliaments received the aforesaid two bills from the Speaker, and brought them to the table; and the clerk of the crown read

¹⁸ C. J., IX. 738.

the titles of the several acts; and the clerk of the Parliaments pronounced the royal assents

An act for granting to his Majesty an imposition upon all tobacco and sugar imported, between the 24 of June 1685, and the 24th of June, 1693.

Le Roy, remerciant ses bons subjects, accepte leur benevolence, et ainsi le veult. (Ibid., p. 44.)

June 19, HC. Sir Thomas Meres reports from the committee to whom the bill for reviving and continuing of several laws expired, and near expiring, was committed, that the committee, having taken the same into consideration, had agreed upon some amendments to be made to the bill: which he read in his place; and afterwards delivered them in at the clerk's table: where the same being read, were severally agreed to.

And three several clauses being tendered to be added to the bill, they were, after having been twice severally read, and some amendments made thereto at the table, severally agreed to by the House.

Resolved, that the said several clauses be added to the bill.

Ordered, that the bill, with the said several amendments and clauses, be ingrossed. (C. J., IX. 742.)

June 22, HC. An ingrossed bill for reviving and continuing several laws expired, and near expiring, was read a third time.

And an ingrossed proviso being tendered to be added to the bill; and being thrice read;

Resolved, that the said proviso be made part of the bill.

Resolved, that the bill do pass: and that the title be, An act to revive and continue several acts therein mentioned.

Ordered, that Sir Thomas Meres do carry up the said bill to the Lords for their concurrence.¹⁹ (Ibid., p. 744.)

June 25, HL. *Hodie 1a vice lecta est billa*, An act for reviving and continuing several acts therein mentioned. (L. J., XIV. 57.)

June 26, HC. Ordered, that Mr. Awbery do go up to the Lords, and put them in mind of a bill, sent up to them from this House, intituled, An act to revive and continue several acts therein mentioned.²⁰ (C. J., IX. 750.)

June 26, HL. *Hodie 2a vice lecta est billa*, An act for reviving several acts therein mentioned.

Ordered, that the consideration of this bill is committed to these Lords following: L. Treasurer,²¹ L. President,²² L. Privy Seal,²³ L. Steward,²⁴ E. Marshal,²⁵ D. Bucks, L. Great Chamberlain,²⁶ L. Chamberlain,²⁷ Comes

¹⁹ Sent to the Lords on June 25; C. J., IX. 748; L. J., XIV. 57. On June 23 Sir Robert Southwell wrote to Sir John Perceval: "In the revival of many laws, a bill is just passed the House of Commons to revive that Act, which forbid Ireland to trade directly with the Plantations." Hist. MSS. Comm., MSS. of Earl of Egmont, II. 155.

²⁰ L. J., XIV. 63.

²¹ Earl of Rochester.

²² Marquess of Halifax.

²³ Earl of Clarendon.

²⁴ Duke of Ormonde.

²⁵ Duke of Norfolk.

²⁶ Earl of Lindsey.

²⁷ Earl of Ailesbury (?).

Huntingdon, Comes Bedford, Comes Bridgewater, Comes Devon, Comes Clare, Comes Mulgrave, Comes Carnarvan, Comes Chesterfeild, Comes Stamford, Comes Sunderland, Comes Anglesey, Comes Craven, Comes Aylisbury, Comes Shaftsbury, Comes Macclesfeild, Comes Radnor, Comes Yarmouth, Comes Berkeley, Vicecomes Newport, Vicecomes Fauconberge, Arch. Cant., Arch. Yorke, Epus. London, Epus. Durham, Epus. Sarum, Epus. Litchfeild, Epus. Chichest., Epus. Bangor, Epus. Peterborough, Epus. Lincolne, Epus. Exeter, Epus. Worcest., Epus. Landaffe, Epus. St. Asaph., Epus. Ely, Epus. Carlisle, Epus. Rochest., Epus. Bath and Wells, Ds. Morley, Ds. Lawar, Ds. Ferrers, Ds. Pagett, Ds. Maynard, Ds. Howard Esc., Ds. Jermyn, Ds. Ward, Ds. Colepeper, Ds. Astley, Ds. Crew, Ds. Butler West, Ds. Dartmouth, Ds. Godolphin.

Lord Chief Baron²⁸ and Baron Gregory to assist.

Their Lordships, or any five; to meet at three of the clock this afternoon; and to adjourn as they please. (*L. J.*, XIV. 60-61.)

June 27, HL. After some debate, this question was put, whether the committee appointed to consider of the bill for reviving several acts therein mentioned, shall sit at the time to which they have adjourned?

It was resolved in the affirmative. (*Ibid.*, p. 63.)

June 30, HL. The Lord Colepeper reported, from the committee appointed to consider of the bill for reviving several acts therein mentioned, that they have made several amendments thereto

Hodie 3a vice lecta est billa, An act for reviving and continuing several acts therein mentioned.

The question being put, whether this bill now read, with the amendments, shall pass?

It was resolved in the affirmative.

A message was sent to the House of Commons, by Justice Walcot and Baron Wright:²⁹

To return the bill for reviving and continuing several acts therein mentioned; wherein this House hath made some amendments, to which the Lords desire the concurrence of the House of Commons. (*Ibid.*, pp. 68-69.)

June 30, HC. The amendments, sent down by the Lords, to the bill, intituled, An act for reviving and continuance of several acts of Parliament therein mentioned, being thrice severally read, were, upon the question severally put, agreed to by the House.

And the ingrossed proviso, sent down from the Lords, to be added to the said bill, being thrice read;

Resolved, that the said proviso be made part of the bill.

Ordered, that the Lord Bruce do carry up the said bill to the Lords; and acquaint them with the concurrence of this House to the said proviso and amendments.³⁰ (*C. J.*, IX. 754.)

²⁸ Sir William Montagu.

²⁹ *C. J.*, IX. 754.

³⁰ *L. J.*, XIV. 71. The royal assent was given on July 2, when Parliament was adjourned to Aug. 4, and then to Nov. 9. *Ibid.*, pp. 71-72.

Nov. 16, HC. *Sir Thomas Clargis*:³¹ Seaven millions of men in England; the strength of men in England consists in our navy in which (for want of men) France can never equall us. Their trade will not breed them, a shipp of 50 tonns will carry 100,000 l. of their goods, linens and silks; ours are bulky goods and employ 20 times more unlesse you by burthening of trade lett them into the West Indies; armyes are not manageable, comandars have beene often knowne to rebell. (British Museum, Harl. MSS. 6801, no. 37, f. 276.)³²

³¹ In debate on the supply. Exactly similar accounts of this report are to be found in Add. MSS. 15551, f. 30; Grey, *Debates*, VIII. 366; and Chandler, *Hist. and Proc. H. of C.*, II. 190-191.

³² A folio consisting of parliamentary speeches and some other parliamentary papers. *Cat. Harl. MSS.*, III. 403.

Nov. 20 James prorogued the Parliament to Feb. 10, then to further dates, until on July 2, 1687, he finally dissolved it. The next year the Prince of Orange, who had married James's daughter, came over to England on invitation of the leaders of both parties, and James withdrew to France. Before sailing for London William published a declaration in which he expressed his purpose to submit the issues at stake to a full and free Parliament. After his arrival he summoned the Lords, the members who had sat in the House of Commons in the reign of Charles II., and a deputation of London magistrates. This body urged William to assume the provisional government, and proposed a convention to effect a permanent arrangement. The Convention met Jan. 22, 1688/9, and adopted a resolution declaring that James had abdicated the government and that the throne had thereby become vacant. A Declaration of Right was also passed, which concluded by settling the crown upon William and Mary, with the administration in the hands of William, and after their deaths, upon the heirs of Mary, Anne, and William, respectively. The new sovereigns were proclaimed Feb. 13, 1688/9. For the account of the part played by the so-called Parliament in the Revolution, see *C. J.*, X. 1-30; *L. J.*, XIII. 101-127. Any standard history of England will give the general narrative.

PARLIAMENTS AND CONVENTIONS OF THE ESTATES OF SCOTLAND.

CONVENTION OF ESTATES HELD AT EDINBURGH.

October 27–November 2, 1625 (1. Car. I.).¹

1625.

Nov. 2. Anent the petition gevin in be the small baronis propoirting that thay sustenit verie grite prejudice by this new erectit ordor of baronettis and the precedencie grantit to thame befoir all the small barronis and freeholderis of this kingdome whairin thay pretendit grite prejudice in thair priviledgeis and dignityis possest be thame and thair predicesouris in all preceiding aiges, and thairfore thay desyrit that the estaittis wald joyne with thame in thair humble petitoun that his Ma'tie might be intreatted to suspend the precedencie grantit to thir barronettis untill the tyme that the plantatioun for the whilk this dignitie is conferred be first performed be the undertakeris. Whairupoun S'r W'ame Alexander cheiff undertaker of this plantatioun being hard and he haveing objectit unto thame his Ma[jesty]'s royall prerogative in conferring of honnouris and titlis of dignitie in matteris of this kynd importing so far the honno'r and credite of the cuntrey and that his Ma[jesty]'s prerogative wald not admitt ony sort of oppositioun and that this suspensioun of the undertakeris precedencie wald frustratt the whole plantatioun.² After that the small barronis had most humblie protestit that the least derogatioun of his Ma[jesty]'s royall prerogative sould never enter in thair haittis and

¹ Conventions of the Estates were less formal Parliaments, whose membership in time became identical with that of the Parliament. The Convention of Mar. 14, 1689, for instance, was turned into a Parliament without re-election of members. See J. F. Jameson, on the "Early Political Uses of the Word Convention", in *Am. Hist. Review*, III. 477 *et seq.*; *Members of Parliament*, pt. II., pp. 518, 589; R. K. Hannay on "General Council and Convention of Estates", *Scottish Historical Review*, XX. 98.

² In 1621, upon application of Sir William Alexander, afterwards earl of Stirling, King James requested the Privy Council of Scotland to grant him a charter to lands "lying between New England and Newfoundland, as he shall designe them particularly unto you". The charter passed under the great seal that same year, and covered modern Nova Scotia, New Brunswick, and parts of Quebec. To arouse interest in Alexander's colonial scheme, the king created an order of baronets, the dignity to be conferred upon those who should send to the colony six men, armed, apparelled, and victualled for two years, or who in lieu thereof should pay 2000 merks. In addition, each baronet created was to pay Alexander 1000 merks toward past charges. The opposition here voiced was from the small barons of Scotland, who maintained that the precedence granted to the new order was an infringement upon their privileges and dignities. For full accounts of the Nova Scotia project and reprints of the many documents concerning it, see G. P. Insh, *Scottish Colonial Schemes, 1620-1686*, pp. 40-90; Rev. E. F. Slafter, *Sir William Alexander and American Colonization* (Prince Society Publications), *passim*; Laing, *Royal Letters, Charters, and Tracts, relating to the Colonization of New Scotland* (Bannatyne Club Publications); Rev. Charles Rogers, *The Earl of Stirling's Register of Royal Letters*, pp. xv *et seq.*; Sir Richard Broun, *Case of the Honourable the Baronets of Scotland and Nova Scotia*. See also pp. 102, 105, 117, *ante*.

that thair petitioun wes in no sort contrair to the same and that thay acknowledged that the conferring of honnouris did properlie belong to his Ma'tie as a poynt of his royall prerogative. And thay undertook that if it wer fund meete be his Ma'tie and the estaittis that this plantatioun sould be maid, that thay upoune thair awne chargis wald undertak the same without ony retributioun of honno'r to be gevin thairfore. The estaittis haveing at lenth hard bothe the pairtyis it wes fund be pluralitie of voittis that the estaittis sould joyne with thame in thair petitioun foirsaid.³ (*Acts of the Parliaments of Scotland*, V. 184.)⁴

³ The report on this and other matters of the Convention was made to the king, Nov. 8, 1625, by such of the king's councillors as were present (*Acts of the Parliaments of Scotland*, hereafter cited as *A. P. S.*, V. 185, 187-188). The Earl of Melrose, principal secretary for Scotland, who espoused the cause of the complainants, was removed from office, and Alexander was appointed to succeed him (Insh, *Scottish Colonial Schemes*, p. 64). Charles, in his reply to the report Feb. 12, 1626, rebuked the petitioners and the Convention, at the same time warning them either to procure the dignity for themselves or "not repyne at others" for doing the same. He moreover ordered that the eldest sons of knights baronets when they had arrived at the age of twenty-one years should be knighted, without any charge or expense. Laing, *Royal Letters*, pp. 31-32, 33.

⁴ The *Acts*, edited under the direction of the Record Commission, were published in eleven volumes (Edinburgh, 1814-1824), vol. I. appearing last, in 1844. As to the later and more perfect edition of vols. V. and VI. (1870, 1872), see the preface of the present volume. Reference is here made to this revised edition.

CONVENTION OF ESTATES HELD AT HOLYROOD HOUSE.

July 28–August 7, 1630 (6 Car. I.).¹

1630.

July 29. The whilk day the commissioners for the shyres and gentrie gave in the articles and greevances following whilks they recommendit to the consideratioun of the estaits. Of the whilks the tennour folloves

Item the gentrie doeth petitioun that the whole estaits would humbelie intreate his Ma'tie not to relinquishe or alienat to anie stranger king or natioun the territoreis of New Scotland whiche ar annexed to this crowne, since both his Ma'tie and this his antient kingdome ar tyed in honnour and credite to mainteane the same, and that his Ma'tie may be petitiouned to recommend to this state whiche way the same may be most convenientlie done to the honnour of this natioun.² (*A. P. S.*, V. 219.)

July 31. The Estats presentlie conveened all in one voice ratifeis, allowes, approves, and confirms the dignitie and order of knight barounets erected be his Ma'tie and his lait deere father of blessed memorie and conferred by thame upon sindrie gentlemen of good qualitie for their better encouragement and retributioun of thair undertakings in the plantatioun of Newscotland, with all the acts of secreit counsell and proclamatiouns following thairupon made for mainteaning of the said dignitie, place, and precedence thairrof, and ordains the same dignitie, place, and precedence dew thairto to continew and stand in force in all tyme comming, and that intimatioun be made heirof to all his Ma'ties lieges be opin proclamatioun at the mercat croce³ of Edinburgh and other places neidfull.

¹ Commissioners, appointed by this Convention to negotiate an agreement with England concerning fishing interests, continued to sit at Holyrood between Nov. 3, 1630, and July 28, 1631, and at Perth, Sept. 22, 23. *A. P. S.*, V. 228-246.

² The first Scottish settlement in Nova Scotia was made in the summer of 1629, when colonies were planted on the eastern coast of Cape Breton and at Port Royal on the Bay of Fundy. In April of that same year the treaty of Susa terminated hostilities which had begun between England and France in 1627. In accordance with the articles of peace, which provided that whatever territory should be taken by either side within two months after the date of the treaty should be restored, the French claimed both Quebec and Port Royal. The king addressed communications on the subject to the Privy Council of Scotland and to the Convention. The Convention, as this and the following items show, ratified the titles of the baronets of New Scotland and urged the importance of retaining the settlements there. The negotiations for the restoration of Port Royal continued until the treaty of St. Germain-en-Laye, 1632, when the settlement was restored to the Company of New France. Davenport, *European Treaties bearing on the History of the U. S.*, vol. I., docs. 34, 36; Insh, *op. cit.*, pp. 85-89; Laing, *Royal Letters*, pp. 57-77; Rogers, *Memorials of the Earl of Stirling and of the House of Alexander*, I. 116-129.

³ Market cross; an ancient monument in the High Street near the cathedral of St. Giles, 15 feet high, 16 feet in diameter, and having four angular turrets and a central pillar. It figured prominently in the commercial and political life of the city. It was restored in 1885 by Gladstone. See M. G. Williamson, *Edinburgh*, pp. 162-176.

Followes his Ma'ties missive for warrand of the act abonewrittin.

CHARLES R.

Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors, right trustie and trustie and weilbelovit, we greit yow weill having givin furth ane decree upon these things q'ls wer submitted unto us in suche sort as after dew informatioun (having heard all parteis) we conceived to be best for the publict good and having given order for making interruptioun that we might no way be prejudged by the act of prescriptioun whiche we can never thinke wes at first intended for anie prejudice of the crowne, we made choise rather to obviat anie inconvenient that may come thairby by publict acts in counsell then to trouble a number of our lieges by particular citatiouns. Thairfoir we have thought fitt to recommend the same unto yow that they may be confirmed by yow our estaits convened by us at this tyme, and lykewayes where our lait deere father and we have erected the dignitie of barounets for advancing the plantatioun of Newscotland, granting lands thairwith for that effect, wee recommend lykewayes the same in so farre as sall be lawfullie demanded to be confirmed by you. And so not doubting bot that you will be carefull both of these and all other things that may import the honnour of that kingdome or the good of our service, we bid you fareweill. Frome our court at Nonsuche the 14 of July 1630.

The Estaits presentlie convened having dewlie considerit the benefite arysing to this kingdome by the accessioun of Newscotland and of the succesfull plantatioun alreadie made there by the gentlemen undertakers of the same, in regarde whair of and that the saids lands and territoireis of Newscotland ar by the patent thair of made in favours of Sr. Williame Alexander of Menstrie, knight, his Ma'ties Secretarie annexed to the crowne, thairfoir the saids estaits all in one voice hes concluded and agreed that his Ma'tie sall be petitioned to mainteane his right of Newscotland and to protect his subjects undertakers of the said plantatioun in the peceable possessioun of the same as being a purpose highlie concerning his Ma'ties honnour and the good and credite of this his ancient kingdome. (*Ibid.*, pp. 223-224.)

CHARLES I.: FIRST PARLIAMENT.

Session of June 18-28, 1633 (9 Car. I.).

1633.

June 28. The same day the actes, statuites, and lawes, with the particular and severall commissiounes, ratificatiounes, protestationes, declarationes, and provisiounes, with uther particular actes and exceptiones eftirmentionat contenit in the same, being red in opin Parliament in presence of his Majestie and hail estaits, was voited and concludit to stand and have the force of actes of Parliament in all tyme coming, in maner following lykas his Majestie eftir the samyne was voited be the thrie estaits gave his consent and approbatioun thairto and confirmit the samyne be his royall authoritie, and in token of his consent and approbatioun thairto tuitched the scepter being presented to him be the Clerk of his Majesties Register counsall and rolles. Off the quhilkes actes and uthers abonewrittine the tennors follows . . .

ACT XXVIII.

Ratificatioun in favours of the vicount of Sterling of the infeftments and signatur grantit to him of the dominiones of Newscotland and Canada in America and priveledges thairincontentit and of the dignitie and order of knicht baronets and act of conventionne of estaits maid thairanent.

Oure Soverane Lord and estaits of this present Parliament ratifie and approve all letters patents and infeftments grantit by King James the saxt of blissed memorie or by our said Soverane Lord unto Williame, vicount of Sterling, and to his airs and assignais of the territories and dominiones of New Scotland and Canada in America, and especiallie the patent char-tor and infeftment, grantit by his Majesties umquhyle dearest father of worthie memorie, of New Scotland of the dait the tent day of September the year of God 1621;¹ item ane other chartor of the same grantit by his Majestie under the great seale of the dait the tuelf day of July 1625 years;² item ane other chairtor and infeftment grantit by his Majestie of th cuntrie and dominione of New Scotland under the great seale of the dait the thride day of May 1627 years;³ item another chartor and infeftment grantit by his Majestie under the great seale of the river and

¹ Printed in Laing, *Royal Letters, Charters, and Tracts*, pp. 3-15 of section of charters; Slafter, *Sir William Alexander*, pp. 127-148, gives a translation.

² In Laing, *loc. cit.*, pp. 27-45; translated, Slafter, *op. cit.*, pp. 217-231.

³ This grant recited the patent of July 12, 1625, and admiralty jurisdiction of those parts was granted to Alexander, with power to seize vessels belonging to the King of Spain, the Infanta Isabella, or others, his Majesty's enemies. Laing, *op. cit.*, preface, p. 41; *Cal. St. P. Col.*, 1574-1660, p. 84.

gulfes of Cannada, bounds and priveledges thairof mentionat in the said patent of the dait the second day of Februar 1628 yeirs;⁴ item a signature past under his Majesties hand of the said cuntrie and dominione which is to be with all diligence exped through the seales of the dait at Whytehall the tuentie fourt day of Apryll 1633 years,⁵ with all liberties, priveledges, honours, jurisdictiones, and dignities respective thairin mentionat, together also with all executione, precepts, instruments of seasinges, and seasinges following or that sall happin to follow thairupon; and also ratifies and approves the act of generall conventionne of estates at Holyrudhous the saxt day of July the yeir of God 1630,⁶ whairby the saids estates have ratified and approved the dignities and order of knicht baronet, with all the actes of secreit counsall and proclamations following thairupon maid for mainteining of the said dignitie place and precedencie thairof. And his Majestie and estates forsaidis will statuit and ordaine that the saids letters patents, charters, and infestments, and the said dignitie, title, and order of baronetts, and all letters patents and infestments of lands and dignities grantit thairwith to any persone quhatsumever sall stand and continew in full force with all liberties, haill priveledges, and precedencies thairof, according to the tenour of the same, and in als ample maner as if the bodies of the saids letters patents, infestments, and signatur abonementionat wer heirin particularlie ingrost and exprest; and ordaines intimatione to be maid heirof by open proclamacione to all his Majesties lieges at the mercat crose of Edinburgh and other places neidfull that none pretend ignorance heirof.⁷ (*A. P. S.*, V. 13, 43-44.)

⁴ Laing, *op. cit.*, charters, pp. 46-51; translation in Slafter, *op. cit.*, pp. 239-249.

⁵ To the Commissioners for the Plantation of New Scotland, signifying his pleasure that whensoever any of his subjects of England or Ireland should take lands in New Scotland, their patents should be passed as easily as if they were natural subjects of Scotland. The letter also expressed the king's intention of prosecuting the work of settling New Scotland, and of encouraging it by completing the intended number of baronets and in other ways. Printed in Laing, *op. cit.*, preface, pp. 80-81; Rogers, *Earl of Stirling's Register of Royal Letters*, II. 664.

⁶ *Ante*, p. 436.

⁷ Following this ratification of the rights and privileges of the baronets of Nova Scotia, and the subsequent appointment of a commission for the passing of patents to land there, many new titles were created. For lists see Laing, *op. cit.*, preface, pp. 120-123; Broun, *Case of the Baronets of Scotland and Nova Scotia*, pp. 37-38.

CHARLES I.: THIRD PARLIAMENT.

Session of June 4–July 29, 1644 (20 Car. I.).

1644.

July 27. Reference in favo'rs of Johne Hammiltone.

Anent the supplicatione givine in to the Estates of Parliament now presentlie conveyend by vertue the last act of the last Parlia't haldine be his Ma'tie and thrie estates in anno 1641, q'rof the tennor fallowes:

To the Right Honorable the Estates of Parliament Johne Hammiltoune of Boighall humbly sheweth

That at his great chairge haveing made ane adventure to the West Indies for the credite and benefite of the cuntrie by exporting spareable commodities and returneing a great quantitie of tobaccho this last yeere and expecting all due encouragements for advancement of this adventure, nevertheless he wes so farre disappoynted that of all the tobaccho of the kingdome his only wes excysed and payed for ane hundreth thousand weight therof w'ch obsequious behavior in him turned to his great losse by the fraudulent cariag of some selleres of tobaccho who under cullor of yo'r petitioner his warrand did sell ther tobaccho unexcised and maide most pairt of his tobaccho to ly unprofitable one his hand. And because this highe court hes made ane act to forbeir the excise till eftir August nixt I am persuadit yo'r honores will be cairfull to keepe me from suffering upoun occasione of ony prejudice to the publict orderes, and grant me the favor w'ch disobedientes doe enjoy. And therfore my humble desyre is that since I have allreddy payed excise for ane hundreth thousand weight tobaccho and no excise is to be exacted till efter August nixt, that efter that tyme I may have warrand to sell an hundreth thousand weight of tobaccho without payment of excise q'lke in equitie appeires verie reasounable, in respect at the desyre of the estates I have made ane new adventure this yeire.

Quhilke supplicatioune being this day red in audience of the Parlia't and the samene with the desyre therof hard and considered be the Estates of Parlia't, the saides estates remittes the foirsaid supplica'oune and desyre therof to the committie appoynted for the excise, to be hard and considered be them; and ordeanes that committie to take such course anent the desyre of the forsaidd supplicatione and the supplicantes satisfactione therintill be the advyce of the committie of Estates of Parliament as shall be thought just and expedient be them. (*A. P. S.*, vol. VI., pt. I., pp. 227-228.)¹

July 29. Commissioun and Ratificatioune anent the Excise.

The Estates of Parliament presentlie conveyend, by vertue of the last act of the last Parliament, haldine by his Ma'tie and thrie estates, in anno

¹ This item does not appear in the edition of vol. VI. printed in 1819.

1641, haveing takine to ther serious consideratione the course and way laid doune by the Conventione of Estates for raising and uplifting of moneyes by way of excise, for supplie and releife of the necessities of the armies raised and sent forth by this kingdome, for reformatione and defence of religione; togidder with the actes made and set doune by the said Conventioun of Estates and ther committie theranent: and efter mature deliberatioun, finding the same to be the most just and equall way, least prejudiciall to this kingdome, for raising and uplifting of moneyes, for supplie and releife of the armies, and for defraying of the publict debtes and burdenes contracted for that end:

Therefore the saides Estates of Parliament now convened, have ratified, allowed, and approvine, and be the tennor heirof ratifie, allow, and approve, the act made and set doune by the said Conventioun of Estates for imposing and laying one of the said excise, to be uplifted off the particulare goodes and commodities contained in the table annexed therto: with the actes and ordinances made and set doune be the committee of Estates anent the regulating and uplifting of the said excise; togidder with all otheres actes and ordinances made and set doune by the said Conventione of Estates and ther committie, or by the commissioner for the excise conserneing the foirsaid excise and the ingathering and uplifting therof. And the saides Estates of Parliament ordeane the foirsaid acts and ordinances, and everie ane of them, to have the full force of ane act of Parliament, except allenerlie in so farr as the samene are heirby altered and changed, in manner eftermentioned: off the w'ch act made and set doune for imposing and laying one of the said excise, and actes for regulating therof, the tennor falloweth:

At Edinbur't the thertie ane of Ja'rii 1644

The Roll of the particular Commodities subject in payment of Excise, and of the Rates laid theron

One everie pund of tobaccho, six shillings

This excise to beginne upoun the tent day of Februarie nixtocome; and to indure onlie so long as the necessitie of the armie shall requyre, and at the farthest bot for ane yeere: and if the Parliament at there nixt meiting shall in place heirof find out and appoynt a bettir and more expedit way to provyde money for supplying of the armies, and payeing the provisioun made to them in the interim, then this way of excise is to cease. . . .²

At Ed'r the fyfteine of Februar 1664

Tuitching tobaccho, it is ordeaned that all the custome and impost bookes be patent to the office of excise, or to the collectores and surveyeres, to the intent ane entrie may be knowne for the excise; and that all shipperes, mariners, and owneres of tobaccho, are obleidged befor they put out any goodes out of the shipes and vesselles, to make a true entrie therof under ther subscriptione and upoun declaratione, under the paine of confiscatione of what is concealed. And that they give up ane inventar of all the tollbaccho imported in ther ships or vesselles, with the names of the owneres therof; and that no takseman shall take entrie of other goodes till the whole tobaccho be entered: to the effect it being sold, the excise may be payed to the publict, for w'ch the owneres shall be lyable; and shall keepe a booke w'ch under ther handwriting,

² *A. P. S.*, VI., pt. I., pp. 75-77.

and upoun declaratione, they shall produce to the commissioneres, collectores, or surveyeres, as they shall be requyred; in w^{ch} booke shall be insert the names and surnames of all the buyeres, with the quantity bought by everie one. And it is ordeaned, that the first seller of tobacco shall give a ticket to everie buyer, shewing the excise therof payed to the publict: and if the buyer cannot instruct payment of this excise by this ticket, he is to be lyable in payment of the excise by and attour the payment and confiscatioune of his tobacco. . . .³

And albeit by the foirsaid act made and set doune by the Conventione of Estates, the said excise is only appoynted to indure for the space of a yeere efter the tent of Februarie lastbypast, yit in respect the publict debtes and burdings of this kingdome are increased, and daylie increasing, not onlie by supplieing of the necessities of the armies first sent to England and Ireland, bot also by raising and menteaneing of new armies for resisting of the late invasione one the south borderes, and suppressing of the insurrectione in the north, the saides Estates of Parliament doe heerby declaire, statute, and ordeane, that the foirs'ds excise, and the collecting and uplifting therof shal now begine upoun the first day of August nixtcome . . . and shall continoue and indure untill the first day of August thereafter in the yeir of God 1645 yeeres. And what iver excise is allreddy uplifted or exacted . . . since the tent day of Merch lastbypast, the saides Estates of Parliament ordeane the same to be uplifted, collected, and payed to the theasurer of excise for the use of the publict . . . (*Ibid.*, pp. 237, 238, 239, 242, 243.)⁴

Session of November 3, 1646–March 27, 1647 (22 Car. I.).

1647.

*Mar. 10.*¹ Act and Commission anent the Excise.

The Estates of Parliament, taking to thair serious consideration that the maintenance alreadie imposed upon the severall schyres and burghes of the kingdome will not be sufficient to enterteane the armie q^lk they ar necessitat to keip up for repressing of the rebels and enemies of this kirk and kingdome, and for the incident charges of that armie, and finding no uther way more just and equall and lesse prejudiciall to the kingdome for supplie and making up the additionall charge for intertinement of the armie and incident charges therof then the raising and uplifting of moneyis by ane regulat and well ordered excise, they therfore statute and ordane that the severall rates of excise efterspecifeit salbe payed for all and everie

³ This report of the committee appointed by the Convention of Jan. 3–June 3, 1644, does not appear in the proceedings of that session. *Ibid.*

⁴ On Aug. 6, 1645, and Mar. 3, 1647, there were acts passed in favor of David Balfour, Alexander and James Riddoch, and other Scotch merchants who, bound for the West Indies, were captured at Algiers (*ibid.*, pp. 457–458, 716). These are not given in the earlier edition.

¹ This date, given in the earlier edition of 1819, is retained rather than Mar. 9 of the revised edition of 1870. In the latter there is nothing entered under Mar. 10, although Mar. 9 is given as the eighty-third day of Parliament and Mar. 11 as the eighty-fifth, showing the omission of Mar. 10 from the text.

ane of the particular commodities and uthers following, by and attour all customes and uther dewteis dew and payable for the samen, *viz.*

For ilk pund of tobacco, to be payed be the importer therof, 2 s.

Item, the s'ds Estates of Parlia't statutis and ordanis that all merchands, importers of wyne and tobacco, w'tin the space of ten dayis efter the importing therof for all wyne and tobacco heirefter to be imported, and that all merchands, importers, ventinars, retailleurs and uthrs persones in whais handis anie wyne or tobacco alreadie imported now ar within the space of fyiften dayis efter the publica'oune heirof at the croce of Ed'r, give up under ther handis, and upon ther aithe and declaration to the s'ds commissionars for the excise, ane just and trew inventar of the s'ds wyne and tobacco and pay the excise therof conforme to the table and in maner as is beforementioned; quhairin if they failyie it is ordaned that they salbe lyable and subject in payment of triple excise, and the failyie to be provin, *ut supra* (*A. P. S.*, vol. VI., pt. I., pp. 727, 730.)

CHARLES I.: FOURTH PARLIAMENT.

Session of February 5–March 16, 1649 (1 Car. II.).

1649.

Mar. 7. Act anent the additional excise.

The Estats of Parlement . . . taking to thair consideratioun that the necessarie charges of this kingdome duiring the tyme of the troubles theirow are still growing, and that the excise formerlie imposed upon the excysable goods will not prove very effectual without some farder additioun be made therto, thairfor the said estats doe heereby adde to the excyse formerlie graunted . . . and that the particulars following pay the particular excise aftermentationat, *viz.*, ilk pound of tobacco three shillings . . . And the saids estats ordaines the forsaid additionall excise to be paied and uplifted as in the former act of excise . . . and to continow and enduir for the space of three years after the date heirow . . . ¹ (*A. P. S.*, vol. VI., pt. II., p. 237.)²

¹ In consideration of the money expended by Edinburgh in erecting the Parliament House and in further advancing the public cause, and in view of its loss of trade and property during the late disturbances, an act was passed the following day, Mar. 8, granting that town an imposition of four shillings upon every pound of tobacco sold within its liberties and territories. *A. P. S.*, vol. VI., pt. II., pp. 241-242.

² For the proceedings of the Council of State relating to Scotland, during the Commonwealth, see *ibid.*, pp. 745-768. Sept. 19, 1650, a letter was ordered to be written to Sir Arthur Hesilrige to deliver unto Samuel Clarke, to transport to Virginia, 900 prisoners of the Scots, and 150 for New England (*ibid.*, p. 745). Among the letters and Papers of State during the Interregnum, also included in that volume, there are many references to the West Indian expedition. *Ibid.*, pp. 890, 891, 893, 902, 903, 904, 916.

CHARLES II.: FIRST PARLIAMENT.

Session of January 1–July 12, 1661 (12 Car. II.).

1661.

*June 12. Act for Encourageing of Shiping and Navigation.*¹

Our Soverane Lord considering that the wealth, safety, and strenth of this his kingdome are very much concerned in the increase of shiping and encouradgement of trade and navigation, both which are much decayed if not wholly ruined by the late unhappie wars, and the sad effects that have followed therupon, and perceaveing the present low condition of trade and the small number of ships and seamen within this kingdome hath thoght expedient out of his princely zeale for the publict good with advice and consent of his Estates of Parliament now presently convened to statute and ordaine and by these presents statuts and ordaines that from and after the [] day of []² and thenceforward no goods nor commodities whatsoever that are of forrane growth, product, or manufactorie which are to be broght into Scotland or any of the iles thereto belonging shall be shipped or brought from any other place or places, cuntrie or cuntries, but only from those places wher the saids commodities doe grow, are produced or made, or from the ports wher the saids goods and commodities commonly ar or usually have been first shipped for transportation, and from no other place or cuntrie, and in no other ships or vessels but such as doe truely and only belong to his said kingdome; and whairof the master and three fourt parts of the mariners are natives and inhabitants within the same, or at least in such ships and vessells as doe truely and only belong unto, and are of the build of these kingdomes or cuntries wher the saids commodities doe grow, are made or produced, and whairof the master and three fourt parts of the mariners are natives and inhabitants within the same. All which is to be veriefed and attested under the seale of the city or place from whence they come, and oath of the parties to whom the said ships or vessells doe belong under the paine of confiscation of all such goods as shall be imported from

¹ The English Navigation Act of 1660 considered Scotland as a foreign country and, as such, to have no share in the commerce with the plantations. Other acts imposed duties and restrictions on various commodities from Scotland. In retaliation this navigation act was passed, following much the same lines as the English act, but containing a clause exempting English and Irish ships provided Scottish vessels should be similarly favored by England. The English act was suspended in its operation against Scotland from August to November, 1661, when that kingdom was again subjected to the penalties of the act. This Scottish act was then enforced, but while some few exceptions and concessions were made by England, Scottish vessels continued to enjoy a very small share of colonial trade. Theodora Keith, *Commercial Relations of England and Scotland, 1603-1707*, pp. 89-93, 111-117; *id.*, "Scottish Trade with the Plantations before 1707" in *Scottish Historical Review*, VI. 32-48; Beer, *Old Colonial System*, pt. I., vol. I., 85-89.

² The date is left blank in the printed act.

any other place or cuntrie or in any other ship or vessell contrair to the true intent and meaning of this act; as also of the ship in which they shall happin to be imported, with all her guns, furniture, takle, ammunition, and appereling, the one halff to his Majestie and the other halff to the use of those who shall discover the contraveeners of this present act and per-sue for the same befor the Lords of his Majesties Exchequer. And further it is statute and ordained by his Majestie with advice and consent forsaid that all goods or commodities whatsoever produced or shipped as is above exprest which from and after the said day and thenceforward shall be imported into this kingdome or any ilands therto belonging in any ships or vessells that shall not truely and only belong to the natives and inhabitants thair of (except in English or Irish vessells, provyding alwayes that Scots vessells enjoy the lyke benefite of trade within the kingdomes and dominions of England and Ireland and no otherwayes), shall be lyable to double custome and pay accordingle whither the saids goods perteane to natives or aliens. And further it is statute and ordained that from and after the said day and thenceforward all goods and commodities whatsoever belonging to aliens exported or imported in whatsoever ships or vessells whither forrane or Scottish shall be lyable to double custome and pay accordingly. And it is further statute and ordained that from and after the said day and thence forward, all goods or commodities whatsoever, exported in any other ships or vessells then such as doe truely and only belong to the natives and inhabitants of this kingdome shall be lyable to double custome and pay accordingly whither the saids goods apperteane to natives or aliens. And it is further enacted and ordained by his Majestie with advice and consent forsaid that at and after the said day and thence forward all ships and vessells belonging to this kingdome shall be navigated only by Scotismen dwelling in Scotland, at least the master and three fourt parts of the seamen being such, under the paine of being esteemed forraigne vessells and paying double custome for all the goods and commodities imported or exported within the same. And for preventing of all fraud which may be used in the buying of forrane ships, it is statute and ordained by his Majestie with consent forsaid that from and after the said day no ship whatsoever shall be deemed or passe as a ship belonging to Scotland, or enjoy the benefite of such a ship or vessell untill such tyme that he or they, clameing the same to be theirs, shall make appeare to the cheeff officer or officers of the customehous at Leith he or they resideing in any place betwixt Berwick and Stirling on the southside of Forth, and to the cheiff officer or officers at Bruntilland he or they resideing in any place betwixt Stirling and Fifeness upon the north side of Forth, and in caice of their aboade in more remote places, to the officer or officers of the port next to the place of his or their abroad, that he or they are not strangers, and shall have taken an oath before such officer or officers who are heirby authorized to administer the same, that such ship or vessell wes bona fide and without fraud bought by him or them for a valuable consideration, expressing the sune, tyme, place, and persones from whom it wes bought, and who are his partners (if any he have) all which partners shall be lyable to take the said oath befor the cheiff officer or officers of the customes respective as said is and that no

forraner directlie nor indirectly hath any parte, interest, or share therein; and that upon such oaths he or they shall receive a certificate under the hand or seall of the said cheiff officer or officers of the port next the aboard of the persones so makeing oath, wherby such a ship may for the future passe and be deemed as a ship belonging to the said port and enjoy the priveledges of such a ship or vessell, and the said officer or officers shall keep a register of all such certificats as he or they shall so give, and returne a duplicate therof to the cheeff officers of the customes at Leith, for such as shall be granted in all the other ports of this kingdome, together with the names of the persone or persones from whom such ships wer bought, and the sume of money which wes payd for the same; as also the names of all such persones as are partners if any such be; and it is further enacted be his Majestie with consent forsaid that if any officer of the customes shall from and after the said day allow to any forrane ship or vessell the priveledges due to a Scots ship till such certificat be by them produced, or such prooff and oath taken befor them or such as they shall appoint to receive the same, and to examine whither the master and three fourt parts of the mariners at least be natives and inhabitants within this kingdome, that for the first offence such officer or officers shall be put out of their offices or places. And it is further statute and ordained that no merchants belonging to this kingdome shall imploy any alien or persone not borne within this nation or naturalized or made a frie denizen therof from and after the said day as factor in any place beyond seas for the use and accompt of the merchants of this kingdome under paine of a pecuniary mulct, to be payed by him or them that shall imploy him, which sume shall be imposed at the discretion of the Councill of Trade, the one halff thair of to his Majestie and his successo'rs and the other halff to him or them that shall informe and pursue for the same. It is alwayes heirby provydit that this act nor any clause thairincontained extend not to or be meaned to restraine or prohibite the importation of any of the commodities of Asia, Africa, or America, as also of the commodities of Musco and Italie, from such ports and places and in such ships and vessells as may be gotten most conveniently untill such time as the merchants of this kingdome have actuall trade to these respective places; and that the same be prohibited be act of Parliament, Privy Councill, or Councill of Trade.³ It is heirby declared that it shall be lawfull to import any sort of cornes in tyme of dearth from any place or places in any ship or vessell whatsoever without being lyable to confiscation, double custome, or any other penaltie contained in this present act; the dearth and necessity of import being alwayes cognosced and declared by a publict act of the Privy Councill or Councill of Trade. (*A. P. S.*, VII. 257-259.)⁴

³ To superintend the general interests of trade and industry this same Parliament passed an act establishing a Council of Trade. *A. P. S.*, VII. 273.

⁴ In the Appendix to this volume of the *A. P. S.* are contained the minutes of proceedings in this and later Parliaments, together with some documents therein referred to. In the preceding volumes the minutes and statutes are fused to form a chronological account of the proceedings (*A. P. S.*, VII., preface). Only the title of this navigation act, June 12, is to be found in the Appendix (p. 77).

CHARLES II. : SECOND PARLIAMENT.

Session of July 22–August 22, 1670 (22 Car. II.).

1670.

Aug. 3. Act against such who shall refuse to depone against delinquents.

Forasmuch as it is the dutie of all good subjects to give their best concurrence and assistance as they shall be thereto required by publick authoritie for discoverie and punishment of all crymes against the publick lawes or which may tend to the breach or disturbance of the publick peace of the kingdom; and that it is a heigh contempt of authoritie and a signall evidence of disloyaltie and inclination to rebellion to refuse or shift the samen when required therunto; therfor his Majestie with advyce and consent of his Estates of Parliament doth heerby statute and ordaine that all and everie subject of this kingdom of what degree, sex, or qualitie soever, who heerafter shall be called be his Majesties Privie Council or any others haveing authoritie from his Majestie to declare and depone upon oath ther knowledge of any crymes against the publick lawes and peace of the kingdom, and particularlie of any conventicles or other unlawfull meetings and of the severall circumstances of the persons present and things done therein, or of the resetting and intercommuning with persons who are or heerafter shall be declared fugitives and rebels, are obleidged in conscience, duty, and be the alledgeance of subjects to declare and depone ther knowledge therof and of all the particulars relateing therunto. And if any shall happen to be so perversly wicked and disloyall to refuse or delay to declare or depone, being therunto required as said is, his Majestie with advyce and consent forsaid appoints their punishment to be fineing and close imprisonment or banishment by sending them to his Majesties plantations in the Indies or else where as his Majesties Councill shall think fit.¹ Lykas his Majestie with advyce forsaid doth require his Privie Councill to be carefull in the tryall of the crymes above-written and in the speedie and dew execution of the paines forsaid upon all such without exception as shall refuse or delay to declare or depone thereupon as said is. It is alwayes hereby provyded that no mans declaration or deposition against any other person shall infer against himself the paine or lose of lyf or member or banishment. (*A. P. S.*, VIII. 7.)

Aug. 3. Ane act presented frome the Articles² concerning such as will not depone when called thairunto be the Counsell being tuyse red, votted,

¹ The *Register of the Privy Council of Scotland* contains numerous references to instances of transportation to America for violations of this act; see, *e. g.*, the volume for 1669-1672, pp. 204, 206, 207, 228, 308, 320.

² For various reasons, the Scottish Parliament at times delegated its powers to various committees. The Lords of the Articles ultimately became a permanent body in the legislative procedure of Scotland. They prepared and matured the various measures which

approven, and tuiched be the scepter, and ordand to be published the morne. (*Ibid.*, Appendix, p. 3.)

Session of November 12, 1673-March 3, 1674 (26 Car. II.).

1673.

Nov. 17. The Lord Commissioner¹ represented to the Parliam't that since the last dayes meiting of Parliam't, he had called a meiting of some members of Parliam't of each estate, with the officers of state, and that in a free conference among thame, it appeared that . . . the imposition on tobacco were burdensom and greivous to the subject, and that conforme to his Majesties instructions to him he wes willing and reddie to heare and redresse all suche things as being orderlie offered to him sould be fund greivous to his Majesties good subjects, his Grace did therfore remit these particulars of the preemption of salt, brandie, and tobacco to the consideration of the Lords of the Articles, who are to meit to morrow for that end, and therafter are to represent to the Parliam't, thair judgment what is fitt to be done therupon. (*A. P. S.*, VIII. 210-211; Appendix, pp. 27-28.)

Dec. 2. Act concerning the Impositione upon Tobacco.

The kings Majestie considering the prejudice that doth and may arise to the trade of tobacco, be and upon occasion of the late imposition upon tobacco, and the gift of the same given under his Majesties great seal, to Sir Johne Nicolson of Nicolson of the date the second of December one thousand six hundred seventie one, thairfore his Majestie, with advice and consent of his Estates of Parliament, doth dischairge the said imposition upon the tobacco, and declaires the said imposition, and gift thairof granted to the said Sir Johne Nicolson to be void and extinct to all intents, as if the said imposition and gift had not been imposed or granted, and his Majestie with consent forsaied, doth allow the importing of tobacco in all tyme coming frie and without payment of any other custome and imposition but the ordinarie custome, conforme to the book of rates and the excise. It is alwayes declared and ordained, that all such soumes of money as have been payed to the said Sir Johne or to any person in his name for and upon the accompt of the said imposition and all bands granted upon the accompt forsaied, shall pertaine to his Majestie and the said Sir Johne shall be accomptable for the said soumes, and shall be obleidged to deliver the saids bands to the Lords of his Majesties Thesaurie for his Majesties use, excepting alwayes, the band given for the tobacco imported in the ship called [] wherof Johne Philips is master, arrived at the port of []² in the west, which his Majestie doth discharge, and ordaines to be given back to those who granted the same, and siclyke excepting any other bands granted upon the accompt

were submitted to the Estates for adoption or rejection. Continued agitation on the part of Parliament against their power led to their abolition in 1689. See Terry, *Scottish Parliament, 1603-1707*, pp. 103-120; Rait, *Scottish Parliament before the Union of the Crowns*, pp. 40-55.

¹ John Maitland, second earl, afterwards duke of Lauderdale.

² The blanks are in the *Acts*.

of the said imposition, where the tobacco is not vented as to such proportions thair of, as the merchants shall declare upon thair oath, are not sold by them, they alwayes paying the ordinary dues, *viz.* costome conforme to the book of rates, and excyse. And his Majestie with advice forsaide, doth hereby declare all tobacco already imported, to be frie of the said imposition, wher money hath not been payed, or bands granted for the same, and dischairges any arrestments laid thairon upon the accompt of the said imposition. (*Ibid.*, p. 212.)

Dec. 2. The act concerning the imposition on tobacco tuyse red, votted, approven, and tuiched w' th the scepter., (*Ibid.*, Appendix, p. 30.)

JAMES VII.: FIRST PARLIAMENT.

Session of April 23–June 16, 1685 (1 Jac. VII.).

1685.

May 22. Deposition of Commissarie Monro.¹

I was engaged in that commission concerning Carolina most innocently, and with reluctancie, as is known to severalls of the undertakers. And I declare I knew of no other designe in it, bot to carry on a Scots plantation in that province, which was a thing very seriously intended by all the undertakers with whom I had occasion to speak concerning it.² And if his Ma'ties letter to the Councill³ had not authorized the designe, I had never medled in it. . . . (*A. P. S.*, vol. VIII., Appendix, p. 33.)

May 22. Decreet of forfaitour against Sir John Cochran of Ochiltree And the said Sir John Cochran, with George Lord Melvill, Sir Heugh and Sir George Campbells of Cessnocks, John Weer of Newtoun, David Montgumrie of Langshaw, Thomas Stewart of Cultness, William Denhame of Westheills, Master Robert Martine, sometyne clark to the justice court, and Master Gilbert Elliot, sometyne writer in Edinburgh, went to Londone pretending to negotiat the setlement of ane Scots collonie in Carolina bot truelie and reallie to treat anent and carie on the said rebellione and conspiracie with the Earle off Shaftesberrie and Essex, Lord Russell and others in England who had lykewayes entred in ane treasonable designe for ryseing in armes in that kingdome against his Majestie (*Ibid.*, pp. 39, 40.)

June 16. Act declaring the Greenland fishing to be a manufactory.⁴

Our Sovereigne Lord, with consent of his Estates of Parliament, considering the great advantage which may accrew to this kingdom by encouraging the Greenland fishing, whereby vast sums of money will be kept within the kingdom, and by the export of oyl and whalebone considerable sommes of money brought into the kingdom, doe therfor declare the Greenland fishing ane manufactory, and to have all the priviledges and

¹ At the trial of Sir John Cochran and others for treason, in connection with the Whig insurrectionary plot in which it was held, the Carolina scheme was used to cover the intrigue. Monroe was one of the Scots arrested in this connection. Insh, *Scottish Colonial Schemes*, pp. 186-211.

² The project, begun in 1682 by Cochran and Sir George Campbell, to establish a haven for Covenanters at Stuart's Town, S. C. The settlement was destroyed by Spaniards and Indians in September, 1686. *Ibid.*

³ *Register of the Privy Council of Scotland*, 1681-1682, pp. 599-600.

⁴ In 1661 there was passed an act for establishing fishing companies, which however failed to encourage this industry. (*A. P. S.*, VII. 259.) In 1670 a company was formed which, in addition to the privileges granted by the above act, was given the monopoly of trading to Muscovy, Greenland, Iceland, etc. (*Register Privy Council, Scotland*, 1669-1672, pp. 175-178.) Because of exactions made by the company on herrings exported and its financial failure, the Royal Fishery Co. was dissolved by act of Parliament in 1690. *A. P. S.*, IX. 222; Scott, *Joint-Stock Companies*, II. 377-378.

immunities made in favours of any other manufactory or fishing company, and that all ail and drinking beer made use by the ships to be sent to Greenland, and ane butt of brandy for each ship yearly shall be free from excise, imposition, custom, or any duties whatsoever, and the Greenland fishing being much prejudged by the importing of forraign soap or whalebone, the customers quitting the one half of the dutie imposed by act of Parliament upon imported soap, doe therfor expressly prohibit and discharge the fermorers of his Majestys custom or others from quitting or abaiting any of the said duty due by law upon imported whalebone or soap, and if it be discovered that they shall quite or abate any of the said duty, that the said soap or whalebone shall be confiscat, the one half to his Majesty, and the other half to the discoverer, and the tacks men or collector who shall be found so guilty, to be censured by his Majestys Privy Council or Exchequer as they judge fit. (*Id.*, VIII. 490.)

PARLIAMENTS OF IRELAND.

PARLIAMENT OF MARCH 16, 1639/40—JANUARY 30, 1648/9.

Session of October 1, 1640—March 5, 1640/1 (16 Car. I.).

1640.

Nov. 7, HC. It is ordered upon question, that the particular matters mentioned and expressed in the petition of remonstrance, now twice read, are voted and declared by this House to be grievances, and do require a present redress.

It is ordered upon question, that the petition of remonstrance now twice read in this House, and the matters therein contained voted and declared by this House for grievances, shall be forthwith represented to the Right Honourable the Lord Deputy¹ by Mr. Speaker,² and the whole House to attend him.

It is ordered, that the petition of remonstrance, the particular matters whereof were this day voted for grievances, shall be forthwith entered amongst the orders of this House; and that every of his Majesty's subjects, that will repair to the clerk of this House, may have copies thereof. . . .³

To the Right Honourable the Lord Deputy,

The humble and just remonstrance of the Knights, Citizens, and Burghesses, in Parliament assembled.

Shewing

Sixthly. The proclamation for the sole emption and uttering of tobacco, which is bought at very low rates, and uttered at high and excessive rates; by means whereof, thousands of families within this kingdom, and of his Majesty's subjects in several islands and other parts of the West-Indies, as your petitioners are informed, are destroyed, and the most part of the coin of this kingdom is ingrossed into particular hands; insomuch as the petitioners do conceive, that the profit, arising and ingrossed thereby, doth surmount his Majesty's revenue, certain or casual, within this kingdom, and yet his Majesty receiveth but very little profit by the same⁴

¹ Christopher Wandesford, who died Dec. 3, 1640.

² Sir Maurice Eustace.

³ A committee was then appointed to wait upon the Lord Deputy and ascertain when he would receive the House with the petition.

⁴ See p. 100, *ante*. The proclamation enforcing the monopoly of tobacco, dated Jan. 13, 1638, was issued in accordance with the desire of the Irish Commons in 1634 (*Cal. St. P., Ireland, 1633-1647*, pp. xiv, 254). Colonial tobacco, which had a monopoly of the Irish market, could, by proclamation of Jan. 6, 1631, be imported only through the port of London. (Brigham, *Royal Proclamations*, pp. 68-71.) The monopoly was farmed for £5000 a year, which amount was subsequently doubled. (*Cal. St. P. Ire., 1633-1647*, p. 253.) In 1641 one of the accusations against Strafford concerned his connection with this monopoly (p. 100, note 4, *ante*).

And lastly. That the gentry, merchants, and other his Majesty's subjects of the kingdom, are of late, by the grievances and pressures aforesaid, and other the like, very near to ruin and destruction; and farmers of customs, customers, waiters, searchers, clerks of unwarrantable proceedings, pursuivants, and gaolers, and sundry others, very much enriched; whereby, and by the slow redress of the petitioners grievances, his Majesty's most faithful and dutiful people of this kingdom do conceive great fears, that their readiness approved upon all occasions hath not been of late rightly represented to his sacred Majesty; for remedy whereof, the said petitioners do humbly, and of right, beseech your Lordship, that the said grievances and pressures may be speedily redressed. And if your Lordship shall not think fit to afford a present relief therein, that your Lordship may admit a select committee of this House, of persons uninterested in the benefit arising of the aforesaid grievances, to be licensed by your Lordship to repair to his sacred Majesty in England, for to pursue the same, and to obtain fitting remedies for their aforesaid and other just grievances and oppressions; and upon all just and honourable occasions they will, without respect of particular interest or profit to be raised thereby, most humbly and readily in Parliament extend their utmost endeavours to serve his Majesty, and comply with his royal and princely occasions, and shall pray, etc. (*Journals of the House of Commons of the Kingdom of Ireland*, I. 162-163.)⁵

Nov. 9, HC. It is ordered upon question, that Mr. Speaker, for the more solemnity, shall read the petition of remonstrance, and the order, whereby it appears, that it was voted for grievances fit to be redressed forthwith, and so entered amongst the orders of this House, and present them both to the Right Honourable the Lord Deputy.⁶ (*Ibid.*, p. 163.)

⁵ Dublin, 1796; reprinted by order of the House, May 7, 1795. (*Irish Commons Journals*, XVI. 127.) The *Journals* begin May 18, 1613. *I. C. J.* will hereafter be used to indicate this source.

⁶ On Nov. 11 a committee was appointed to attend the Lord Deputy for answer to the petition, and on the same day a second committee was named to go to England to present to the king a remonstrance of the grievances voted (*I. C. J.*, I. 164, 165, 166, 167). Nov. 22, by order of the King in Council, a committee was appointed to confer with the Lord Lieutenant of Ireland upon the grievances and to report to the king (*Cal. St. P. Ire.*, 1633-1647, p. 247). Early in January, Sir George Radcliffe, financial adviser to Wentworth, replied to the remonstrance. He stated that the customs for tobacco had doubled since the monopoly, yet the planters sold much more of their product in Ireland than either in England or in other parts. Tobacco was sold there usually at 2 s. a pound, which was more than the duties of 6 d. custom and 1 s. 6 d. imposition. He denied that anybody had lost money on tobacco, either in Ireland or the western islands, except those who had tried to "intervert" the king's profit and evade the customs (*ibid.*, pp. 253-254). To this the Irish grievances committee replied that Radcliffe had been a member of the House when the remonstrance was read and voted, yet he did not rise to speak against it. They still hoped that all the grievances would be redressed (*ibid.*, pp. 257-258). The committee further suggested to the Privy Council that the monopoly of tobacco should be abolished as soon as the Irish Parliament would settle on the king a profit equal to the present rent, which in two years amounted to £10,000 besides the custom (*id.*, 1647-1660, p. 250). On July 16, 1641, the King in Council ordered to call in the monopoly on condition that the king receive 9 d. per pound on tobacco, to which the committee agreed (*id.*, 1633-1647, p. 318). See also in this connection *ibid.*, pp. 283, 294, 316.

1640/1.

Feb. 18, HL. The order and schedule of grievances read and agreed to be entered as of this day⁷

A Schedule of some Part of the Grievances of this Kingdom, voted in the Lords' House of Parliament, in Ireland, the Eighteenth of February, 1640, to be transmitted to the Committee of the same House, now attending his Majesty in England, to pursue for Redress for the same

9. The proclamation for the sole exemption and uttering of tobacco, which is bought at very low rates, and uttered at very high and excessive rates, by means whereof thousands of families within this kingdom, and of his Majesty's subjects in several islands, and other parts of the West-Indies (as their Lordships are informed) are destroyed, and the most part of the coin of this kingdom is ingrossed into particular hands; inso-much, as their Lordships conceive, that the profit arising and ingrossed thereby doth surmount his Majesty's revenue, certain or casual, within this kingdom; and yet his Majesty receiveth but little profit of the same.

10. The usual and unlawful encreasing of monopolies, to the advantage of the few, to the disprofit of his Majesty and the impoverishment of his people, as starch, tobacco, tobacco-pipes, soap, glass and other things⁸

17. And lastly, that the nobility, gentry and merchants, and other his Majesty's subjects of this kingdom, are of late, by the grievances and pressures aforesaid, and other the like, very near to ruin and destruction; and farmers of customs, customers, waiters, searchers, clerks of unwarrantable proceedings, pursuivants and gaolers, and sundry others, very much enriched; whereby, and by the slow redress of these, and other grievances, under which his Majesty's loving subjects of this kingdom have some years past groaned, they do conceive great fears, that their readiness, approved upon all occasions, hath not been of late rightfully represented to his sacred Majesty. . . . (*Journals of the House of Lords*, I. 151-153.)⁹

Session of May 11–November 17, 1641.

1641.

June 17, HC. A bill, entitled, An act concerning the importation of tobacco, being heretofore transmitted into England, and returned hither in pursuance of Poyning's Act,¹ having been this day read in this House,

⁷ Viscounts Gormanston, Costello, Kilmallock, and Muskerry, or any three of them, are then authorized to present the grievances to the king.

⁸ See note 4, *ante*.

⁹ Dublin, 1779; hereafter to be cited as *J. L. J.* It is doubtful if any regular Journals were kept by the Lords before 1634. Mountmorres, *History of the Principal Transactions of the Irish Parliament, from the year 1634 to 1666*, I. 165, 179, 316.

¹ Poyning's Law regulated the mode of summoning Parliaments and of passing laws. It was passed in 1495 and with some modifications continued in force till 1782. For a discussion of its operations and effects, see J. G. S. MacNeill, *Constitutional and Parliamentary History of Ireland till the Union*, ch. II.; Mountmorres, *History of the Irish Parliament, 1634-1666*, I. 48-59. Concerning the attempt made in 1678 to introduce the main provisions of this law into Jamaica, see Long, *History of Jamaica*, I. 11, 15, 208; *Cal. St. P. Col.*, 1677-1680, pp. 287, 290, 294, 300, 304, 305.

it manifestly appeared, that the said bill is so full of inconvenience and injustice, that, if the same had passed an act, the liberty and property of the subject had been thereby extrajudicially taken away, his person subjected unto shameful, arbitrary, and unlawful punishments, and this House left exposed, upon bare suspicion, to the malice of informers, and consequently all therein remaining unsecure; and upon consideration thereof, and of other manifold mischiefs in the said bill contained, the said bill, upon the first reading, was rejected and quashed² (*I. C. J.*, I. 233.)

June 21, HC. It is ordered, that this House doth dissolve itself into a grand committee, to consider of his Majesty's customs for tobacco, and all other such matters as this House shall think fit to discuss. (*Ibid.*, p. 237.)

June 21, HC. It is ordered, that Sir Richard Blake, and such other of the members of this House as please to accompany him, are appointed, to-morrow morning, to repair to the Lords, and desire a conference with their Lordships, concerning his Majesty's customs for tobacco.³ (*Ibid.*)

June 30, HC. It is ordered, that all the long robe and merchants of this House are appointed to draw up two bills, concerning the customs due to his Majesty for tobacco, (*viz.*) one of six pence the pound custom for his Majesty's subjects, and the other nine pence the pound custom for strangers; and they to call to their assistance all such merchants of this city, as they shall think fit.

It is ordered, that Sir Richard Blake, and all such others of this House, as will accompany him, are forthwith to repair to the Lords Justices⁴ and acquaint their Lordships with the resolution of the House concerning tobacco (*Ibid.*, pp. 241-242.)

June 30, HC. Sir Richard Blake, his report from the Lords Justices touching tobacco that their Lordships desired, that the bills touching the customs of tobacco may be done with as much speed as may be. (*Ibid.*, p. 242.)

July 10, HC. It is ordered, the Captain Audely Mervin, together with such other members of the House as will please to accompany him, shall forthwith go to the Lords, desiring their Lordships, that a committee of both Houses may join to make known to the Lords Justices, that it is the sense of both Houses, that bills shall be transmitted for settling of the custom of tobacco; the one for six pence with other necessary distinctions, with the reasons in a schedule thereunto annexed, setting forth why six pence should be preferred, and the other of nine pence, submitting the said reasons unto his Majesty and Council, to the end, his Majesty may make election of which of the said two bills he shall please, and the same to be passed in this Parliament as a law. (*Ibid.*, pp. 253-254.)

² A committee was named to discover the contrivers of the bill, which was framed without notice to the House, and without its "privity or suit".

³ There are no *Lords Journals* for this session. June 23 a committee was appointed to meet the Lords' committee concerning the matter of tobacco customs and imposts. *I. C. J.*, I. 239.

⁴ Commissioned to represent the king in Ireland.

July 10, HC. Captain Mervin's report from the Lords: that their Lordships appointed a committee of eight, upon Monday next, at two of the clock, in the usual place, to treat of . . . tobacco

It is ordered, that a committee of sixteen of this House, who are under-named,⁵ are appointed to meet with a committee of eight of the Lords, at two of the clock in the afternoon on Monday next, in the usual place, who shall have power to treat with their Lordships concerning wool and tobacco (*Ibid.*, p. 254.)

July 15, HC. Captain Mervin: That the Lords may be moved for a respite of the conference this afternoon, till a further time.

Mr. Darcey: That some of the long robe may assist him in drawing up a bill for the custom of tobacco.

It is ordered, that Captain Audely Mervin and such others of the House as please to accompany him are forthwith to repair to the House of the Lords, and to intreat their Lordships to appoint a further time for the conference concerning wool, tobacco

It is ordered, that all those of the long robe in this House are appointed to meet, at six of the clock to-morrow morning, at Mr. Darcey's house, to consider of the resolutions to the queries, and concerning the drawing of a bill for the custom of tobacco, and to present it to this House, and that all such others of the House, as please to resort to them, are to sit and have voices with them; and that the said committee shall call to their assistance all such of the long robe, and others in town, as they shall think fit. (*Ibid.*, p. 259.)

July 29, HC. Mr. Darcey's report from the conference with the Lords, which consisted of divers particulars, *viz.*

3. The rough draught of the bill for the custom of tobacco

That they had a free conference, yet concluded nothing.

That the Lords would report, to-morrow morning, all the proceedings of this conference, and then we shall hear further from them. (*Ibid.*, p. 276.)

Aug. 4, HC. Mr. Darcey's report.

1. Of the petition concerning the native commodities

3. The Bill of tobacco. . . .

1. That the prolocutor for that, did desire the Lords Justices leave for sending over to his Majesty the bill of tobacco, and that both Houses did agree upon six pence the pound custom for natives, and nine pence the pound for strangers. . . .

3. That for the tobacco bill, the Lords Justices approved of it. . . . (*Ibid.*, p. 281.)

⁵ The names of the committee are given in the *Journals*.

⁶ This petition was accepted by the Lords, and on Aug. 2 was passed by the Commons and referred to a committee to meet with a similar committee from the Lords. (*I. C. J.*, I. 279, 280.) The tobacco bill was not passed.

PARLIAMENT OF MAY 8, 1661—AUGUST 7, 1666.

Session of May 8—July 31, 1661 (13 Car. II.).

1661.

June 20, HC. Memorandum. That Major George Rawden reported, that, according to the order of the thirteenth instant,¹ the committee for considering of the customs paid upon exportation of horses, etc. met, and, after consideration had thereof, reported,

1. That they do find, that horses, mares, and geldings, exported into England, are valued in the English book of rates, by which the customs have been collected here, before, and for the last six months, as followeth, *viz.*

Geldings or nags to English plantations, the piece, £10, and so the officers here now receive poundage, *viz.* twenty shillings for every gelding exported, etc., so that, by reason of the said high rates, few or none have been of late exported; whereby his Majesty loses the profit that would accrue upon the customs for their exportation, if they were reduced to the rates paid before the wars

Upon consideration of all which reasons, this committee is humbly of opinion, that it be reported to the House, as their opinion, that all horses, mares, and geldings, to be exported into England or Scotland, or any of the English plantations, should not pay any more custom than two shillings a head, as was paid in one thousand six hundred and forty one; and that it would amount unto a greater profit to his Majesty, than he now receives, and much more advantage to the country: and that this honourable House may be pleased to resolve upon some course, as to their wisdoms shall seem meet, for reducing the said extraordinary present custom to two shillings a head, as it was before the wars.

It is ordered, that Major George Rawden, and as many of this House as please to accompany him, do repair to the House of Lords, and acquaint their Lordships, that this House appointed a committee to consider of the rates, that are now paid for the exportation of stoned horses, mares, geldings, and nags, into England, Scotland, and other English plantations; which said committee have made a report concerning the same to this House: and although this House are fully satisfied of the great advantage that would redound to the kingdom, by lessening the customs of the said horses, according to the rates taken in the year 1641; yet, out of their respect to their Lordships, and in as much as they were pleased to concur with this House in the late declaration for continuance of the customs and excise, this House did not think fit to do anything therein, until their Lordships be made acquainted therewith; and to that end it is the desire of this House, that their Lordships would be pleased to appoint

¹ *I. C. J.*, I. 403-404.

a committee of their House, to meet with a committee of this House, for conferring about alteration of the customs for exportation of horses, according to the report made by the said committee.² (*I. C. J.*, I. 409–410.)

June 27, HL. A report of a message from the House of Commons. They are called in; and bring with them a paper, which they deliver to the Speaker, who commands it to be read, which containeth a desire of their House to have a conference with a committee of this House, concerning the lessening of the customs upon the exportation of horses, geldings, naggs and mares, out of the several ports of this kingdom into English plantations; with an annexed paper containing what is now paid, and what was formerly paid.

Ordered, that any five of the committee, touching enhancing of foreign coin,³ shall be a committee to meet the Commons, touching the exportation of horses, mares, colts and naggs; as also to consider of an alteration of the customs arising thereupon; and that to-morrow, at three of the clock, be the time to consider about this matter with the Commons.⁴ (*I. L. J.*, I. 254.)

July 1, HL. The Lord Massareene reporteth from the conference on Thursday last concerning the exportation of horses and mares into England.

Question is, whether this House will agree with the report of the committee of both Houses, concerning the joint request to be made to the Lord Justices for reducing the customs upon horses exported, to the rates that they were at in the year 1641, *viz.* two shillings the head; the said horses to be exported being not to be in height above twelve hands full, nor the price above five pounds.

Ordered, that this House will join with the Commons in their request, as they desired, and that the Lords under-named be a committee to that purpose. Earl of Kildare, Earl of Donegal, Viscount Massareene. (*Ibid.*, p. 255.)

July 5, HC. A message from the House of Lords by Sir William Aston and Mr. Justice Stockden: that the House of Lords had taken into their consideration the message from this House, concerning the rates to be paid upon exportation of horses, and do think fit to join with this House in a request to the Lord Justices, that the rates of horses to be exported, being thirteen handfulls high, and of the price of seven pounds, sterling, and no more, shall pay two shillings per head, according to the old rates that they were at in 1641; and that their Lordships have appointed a committee of three Lords to join with a committee of this House to that purpose

² In 1663, at the recommendation of the English Commons, a proclamation was issued for the free transportation of horses to the plantations. By the Staple Act of that year, horses, provisions, and servants could be exported directly from Scotland and Ireland to the colonies. See pp. 312, 320, note 23, *ante*.

³ *I. L. J.*, I. 254.

⁴ June 27, the Commons appointed a committee of ten to meet with the committee appointed by the Lords (*I. C. J.*, I. 415). On the twenty-ninth, the conference was reported to the Commons to the effect that the Lords would make speedy answer. *Ibid.*, p. 417.

Ordered, that the under-named persons be appointed a committee from this House, to join with a committee of the House of Lords, in requesting the Right Honourable the Lords Justices to reduce the rates of customs to be paid upon the exportation of horses, geldings, and mares into England, Scotland, or any other English plantations, unto two shillings the head, according to the old rates they were at in the year 1641; such horses, etc. being thirteen handfulls high, and of the price of seven pounds sterling, and no more. Major Rawden, Captain Foster, Colonel Hamilton, Doctor Loftus, Mr. Worsopp, Lieutenant-Colonel Beresford. (*I. C. J.*, I. 419-420.)

July 6, HC. Mr. Whalley reported from the committee of trade, that it was the sense of the said committee, that the act lately made in England, entituled, An act for the encouraging and increasing of shipping and navigation, with some additions and alterations, will be of great use to this kingdom for the advancing of trade.

Ordered upon question, that it be referred to the committee of trade to consider of the late act made in England, 12. Car. 2. entituled, An act for the encouraging and increasing of shipping and navigation, and to prepare a draught of a bill, pursuant thereunto, with such additions and alterations therein, as they shall conceive may best consist with the constitutions of this kingdom, and to present the same to this House for their further approbation; and, in the drawing of the said bill, the said committee are hereby authorized to call to their assistance so many of the long robe, being members of this House, as they shall conceive fitting.⁵ (*Ibid.*, p. 420.)

July 9, HC. Memorandum. That Major George Rawden reported, that a committee of the House of Lords, together with a committee of this House, attended upon the Lord Justices, according to order, about lessening of the customs to be paid upon exportation of horses: unto which request their Lordships returned this answer, that the matter was of great importance, that they would take it into consideration, and then return a further answer unto this House. (*Ibid.*, p. 421.)

Session of April 17, 1662–April 15, 1663.

1662.

June 9, HC. The House this day began upon the first reading of the bill of tonnage and poundage.¹ (*I. C. J.*, I. 519.)

⁵ No further report was made upon this matter. Irish trade with America stood upon the same footing as the English. The Navigation Act of 1660 embraced England and Ireland as one country. Beer, *Old Colonial System*, pt. I., vol. I, pp. 91-92; Murray, *History of the Commercial and Financial Relations between England and Ireland from the Period of the Restoration*, pp. 41-43; G. F. Zook, "The Economic Relations of England and Ireland, 1660-1750", in *Hist. Outlook*, XIII. 236.

¹ 14 and 15 Car. II. c. 9 (*Irish Statutes at Large*, Dublin, 1786, II. 419). The bill was ordered, May 31 (*I. C. J.*, I. 514). The subsidy on train oil of Greenland was 8 s. per tun, if imported by subjects; if brought in by strangers, 10 s. Newfoundland oil, 6 s.; if imported by strangers, 7 s. 6 d. Among the articles of plantation trade mentioned in the book of rates, are coffee, fish, furs, ginger, indigo, spices, sugar, tobacco (1 s. 8 d. per lb.), etc. The act also contained certain rules, orders, and directions for allowances,

June 16, HC. The bill, intituled, An act for settling the subsidy of poundage, and granting a subsidy of tonnage and other sums of money to his royal Majesty, his heirs, and successors, the same to be paid upon merchandizes, imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed, this day received its first reading. (*Ibid.*, p. 522.)

June 19, HC. The bill, intituled, An act for settling the subsidy of poundage, and granting a subsidy of tonnage and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes, imported and exported into or out of the kingdom of Ireland, according to the book of rates, hereunto annexed, this day received its second reading.

Ordered upon question, that the said bill, being now read the second time in this House, shall be forthwith engrossed. (*I. C. J.*, I. 525.)

June 20, HC. Ordered upon question, that the bill, intituled, An act for settling the subsidies of poundage, and granting a subsidy of tonnage and other sums of money unto his Majesty, his heirs and successors, the same to be paid upon merchandizes, imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed, having been thrice read in this House, shall pass as a law of this present Parliament; and that William Temple, Esq., with as many members as please to accompany him, do carry up the said bill to the House of Lords. (*Ibid.*, pp. 525-526.)

June 20, HC. Mr. Temple reported, that, according to the commands of the House, he and many of the members repaired to the House of Lords with the bill of tonnage and poundage, and presented the same unto their Lordships. (*Ibid.*)

June 25, HC. Colonel Hill moved, that this House had hitherto been very careful of taking into their consideration all due ways and means for increase of his Majesty's revenue, in order to the supplying of the publick charges of the kingdom, and especially that of the army, wherein the weal and security of all his Majesty's good subjects are highly concerned; and that although the House had passed a bill for granting eight intire subsidies to his Majesty's use,² as also another for settling on his Majesty the subsidy of tonnage and poundage, yet the income of those would not defray those expences; and therefore he humbly moved the House, that he might have leave to present unto them a bill, transmitted out of England according to Poyning's Law, for settling the excise and new impost upon his Majesty, his heirs, and successors; which being insisted upon by several members of the House, it was thought fit and ordered, that the House should begin this day to read the said bill.³ (*Ibid.*, p. 528.)

June 27, HL. Question, whether the bill for settling the subsidy of poundage, and granting a subsidy of tunnage, and other sums of money,

abatements, and drawbacks of subsidies. When the plantation products were imported from England, the duties were to be one-half of the customs given in the book of rates. See also, *MSS. of Marquess of Lothian* (Hist. MSS. Comm., 1905), p. 302.

² 14 and 15 Car. II. c. 7 (*Irish Statutes at Large*, II. 349).

³ 14 and 15 Car. II. c. 8 (*ibid.*, p. 365). The usual plantation commodities are given in the annexed book of rates with their values, according to which excise was to be paid by the first buyer or importer.

unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes, imported and exported, into or out of this kingdom, [be passed] ?

The bill for tunnage and poundage, passed the House into a law.⁴ (*I. L. J.*, I. 312.)

June 28, HC. This day the bill intituled, An act for settling the excise and new impost upon his Majesty, his heirs, and successors, according to the book of rates therein inserted, received its first reading.

Ordered upon question, that the bills relating [to] his Majesty's revenue, now depending before the House, be immediately taken into consideration; and, for the better expedition thereof, that all private business be laid aside for the space of six days from the date hereof. (*I. C. J.*, I. 530.)

June 30, HC. The bill, intituled, An act for settling the excise and new impost upon his Majesty, his heirs, and successors, according to the book of rates therein inserted, this day received its second reading.

Ordered upon question, that the bill . . . having been twice read in this House, shall forthwith be ingrossed. (*Ibid.*, p. 531.)

July 1, HC. Ordered upon question, that the bill, intituled, An act for settling the excise and new impost upon his Majesty, his heirs, and successors, according to the book of rates therein inserted, having been thrice read in this House, shall pass as a law of this present Parliament.

Ordered, that Adam Mullineux, Esq; with as many members as please to accompany him, do repair to the House of Lords at their next sitting, and present unto their Lordships the said bill for excise and new impost, acquainting them, that it hath passed this House, and that their concurrence is desired thereunto.⁵ (*Ibid.*, p. 532.)

July 9, HL. The bill of excise, the first time read.

Ordered to be read, the second time. (*I. L. J.*, I. 317.)

July 10, HL. The bill for excise, the second time read, and committed. Lord Viscount Mayo, Lord Bishop of Killaloe.

Ordered, that the Lords above-named, or either of them, be a committee to oversee the clerk of the House and clerk of the crown compare the bill of excise and new impost, with the original; and report to this House what they find. (*Ibid.*)

July 14, HL. The bill for settling the excise and new impost, according to the book of rates, read the third time.

Ordered, upon the question, *nemine contradicente*, that the said bill pass this House, and be presented to the Lords Justices, to be passed into a law.⁶ (*Ibid.*, p. 319.)

Sept. 8, HC. Mr. Whalley reported from the committee of trade, as followeth; for as much as the said committee had made inspection into the late acts for tonnage and poundage, new impost, and excise, and found in several particulars therein contained, the same would not only be a great diminution to his Majesty's revenue, but also a great destruction to trade, the ruin of many merchants, and a great disappointment of the

⁴ The royal assent was given July 31. *I. C. J.*, I. 553; *I. L. J.*, I. 325.

⁵ *I. L. J.*, I. 315.

⁶ The royal assent was given July 31.

people in this kingdom for want of some foreign commodities, which will not be imported but by defrauding the king of his custom and excise; and, amongst other commodities, the said committee thought fit to present unto the House

3. All foreign commodities, except wines and tobacco, pay in this kingdom one third more than is charged by the late book of rates, except they be brought from England or Wales; and all other foreign commodities, notwithstanding in the book of rates, the duty of tonnage, poundage, and excise is charged at a certain rate, yet the same is no rule for the commissioners of the customs to observe, there being a posterior clause, that such foreign commodities shall pay one third more than by the said book of rates is set down.

That there is a clause in the said act of tonnage and poundage for putting in execution an act of Parliament in England, by which no foreign goods shall be brought into this kingdom in foreign bottoms, and three fourths of the mariners to be English, and the ship built in England, or bought by English, upon penalty of forfeiture of ship and goods.⁷ Upon consideration of all which, besides many other particulars, it was their sense, that a committee be sent to his Grace the Duke of Ormond, Lord Lieutenant of Ireland, desiring him, that he would be pleased to give leave for a committee of this House to attend his Grace and Council, to acquaint them with the several exceptions that may justly be taken against the said acts; and if any supplemental bill, or bills of explanation upon the said acts shall be transmitted to his Majesty, in case thereof the said committee may give their attendance and advice concerning the same; by which means his Majesty's revenues will be advanced; merchants will be encouraged; and the people provided for with all foreign necessities; and doubtless, it will be the only expedient for passing such bill, or bills, when remitted without exceptions.

Ordered upon question, that this House agree with the report made this day by the committee of trade, relating, amongst other things, to some particulars mentioned in the acts of tonnage and poundage, and excise, etc., passed this present Parliament.

Ordered, that Henry Whalley, Esq; the reporter, with the committee under-named for that purpose appointed, do attend his Grace the Lord Lieutenant, and communicate to him the substance of the said report, with the reason by him enforced, which moved this House to make particular application in this matter to his Grace: Mr. Whalley, Doctor Pett, Mr. Abdy, Alderman Hutchinson, Alderman Preston, Mr. Worsop, Mr. Boyd, Sir William Petty, Mr. Amory, Mr. Howard. (*I. C. J.*, I. 574-575.)

Sept. 9, 1662. Mr. Whalley reported, that a committee of this House, according to order, attended upon his Grace the Lord Lieutenant, and acquainted him with the sense of this House in several particulars, passed in the acts of tonnage and poundage, and excise, etc., and received this answer; that the matters, as they were opened, appeared to be of great

⁷ 12 Car. II. c. 18; p. 277, *ante*.

weight, which he would take into further consideration, and then proceed therein, as may be the most to the good of the kingdom.⁸ (*Ibid.*, p. 575.)

Session of October 26, 1665–August 7, 1666 (17-18 Car. II.).

1665/6.

Feb. 8, HC. The bill, intituled, An explanation of two several statutes, made in a session of this present Parliament; the one, intituled, An act for settling of poundage, and granting a subsidy of tonnage and other sums of money unto his royal Majesty, his heirs, and successors, the same to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates thereunto annexed; and the other, intituled, An act for the settling of the excise or new impost upon his Majesty, his heirs, and successors, according to the book of rates therein inserted, this day received its first reading.¹ (*I. C. J.*, I. 702.)

Mar. 6, HC. Memorandum. That the bill, intituled, An explanation of two several statutes, made in a session of this present Parliament, the one, intituled, An act for settling the subsidy of poundage, and granting a subsidy of tonage, and other sums of money unto his royal Majesty, his heirs and successors, the same to be paid upon merchandizes imported and exported into, or out of the kingdom of Ireland, according to a book of rates annexed; and the other, intituled, An act for the settling of the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted, this day received its second reading.

The said bill being read, several exceptions were taken thereunto, and a petition presented by one of the members of the House, of divers merchants of the city of Dublin, in behalf of themselves and others.

Ordered upon question, that the said bill . . . having been twice read in this House, be, and hereby is referred to the under-named committee, or any three or more of them, who are to consider thereof, and report to the House what they conceive fit to be done therein; which committee is to meet this afternoon, at three of the clock, in the Speaker's Chamber, and to send for persons, papers and records, if there be occasion, and to adjourn as they shall see cause.

Mr. Weaver, Sir Richard Kerle, Captain Gerald Fitz-Gerald, Alderman Hutchinson, Sir William Usher, Alderman Preston, Alderman Wybrants, Mr. Juxon, Mr. Stepney, Mr. Whalley, Mr. Gilbert, Sir Thomas Stanley, Colonel Long, Mr. Jones, Colonel Thomas Coote, Mr. Amory, Sir St. John Broderick, Major Deane.² (*Ibid.*, p. 714.)

⁸ May 8, 1663, the Lord Lieutenant and Council transmitted to Secretary Bennet a bill in explanation of the tonnage and excise acts, with the request that it be placed before the king for consideration (*Cal. St. P. Ire.*, 1663-1665, p. 82). An explanatory bill was read in February, 1666, but was not passed; see next entry.

¹ See preceding note.

² Mar. 13 this committee was enlarged. *I. C. J.*, I. 717.

1666.

Mar. 28, HC. John Weaver, Esq; reported from the committee unto whom the bill of explanation of the acts of tonnage and poundage, etc., and excise and new impost was referred, the several amendments, which the said committee humbly conceived necessary to be made in the bill.

Ordered upon question, that this House do adjourn the debate of the report from the committee, concerning the explanatory bill of tonnage and poundage, etc., until Saturday next in the afternoon, and then the same to be taken into consideration. (*Ibid.*, p. 727.)

Mar. 31, HC. The House this day entered upon the consideration of the amendments reported from their committee to be made in the explanatory bill of tonage and poundage, but thought fit to adjourn the same until a further day.^a (*Ibid.*, p. 730.)

^a No further consideration was given to this bill. The Irish Parliament was dissolved Aug. 7 and did not again convene until 1692.

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